

PREM 19/324



PART 3

~~TOP SECRET~~  
SECRET

Confidential Filing

House of Commons Procedure.  
Reorganisation of Select Committees.  
Departmental Select Committees.  
Relationship with Select Committees.  
Disclosure of Documents.  
~~Select Committee on Treasury and Civil Service~~  
Advance Copies of Command Papers.

PARLIAMENT

Part 1: May 1979

Part 3: March 1980

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
<del>17.3.80</del>		18.6.80					
<del>18.3.80</del>		<del>PC 3</del>					
		Ends					
<del>19.3.80</del>							
<del>21.3.80</del>							
<del>26.3.80</del>							
<del>14.80</del>							
<del>25.4.80</del>							
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<del>10.6.80</del>							
<del>12.6.80</del>							

PREM 19/324



● PART 3 ends:-

NJS to PM 18.6.80

PART 4 begins:-

NJS to Cab Office 20.6.80



PRIME MINISTER

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The attached letter from the Chancellor of the Duchy's Office lets you know that he is beginning consultations on the remaining recommendations of the Procedure Committee.

The most controversial recommendations which will have to be dealt with concern handling of Bills in Committee, and European matters. On the first of these, the Procedure Committee recommended that there might be a three day pseudo-Select Committee procedure, under which the Committee would have power to call witnesses and discuss the terms of the Bill with them. The Chancellor of the Duchy's first inclination was to consult on the basis that the Government might be prepared to try an experiment with a single Bill to see how this worked out in practice. After discussions with the Chief Whip and warning noises from here among other places, he is now simply going to solicit views without volunteering any experiments of this sort.

There are also sensitive issues arising from the Procedure Committee's recommendations on European matters. They were of the view that there should be a firm commitment that the Government should not give its final approval to European legislation prior to a debate, where such a debate had been recommended by the Scrutiny Committee. They also recommended a larger number of EEC debates.

The Chancellor of the Duchy will of course be bringing proposals to Cabinet on all of these matters in due course. Although he is very keen to bring in further reforms and not to reject the recommendations of the Procedure Committee, he recognises the need not to go too far in the consultation process.

*[Handwritten signature]*

*MJS*

18 June 1980



Ref: A02377

CONFIDENTIAL

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PRIME MINISTER

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18/6

PRIME MINISTER

Departmental Select Committees: Memorandum of  
Guidance to Ministers

You agreed in April that the Chancellor of the Duchy of Lancaster should clear with his colleagues a draft Memorandum of Guidance to Ministers (Mr. Sanders' letter of 25th April to the Chancellor of the Duchy's Private Secretary). This he has now done. No Minister had any point of substance to make on the draft, and several indicated that they would find its circulation helpful.

2. I suggest, if you agree, that you might circulate the memorandum as a Cabinet Procedure paper with a very short covering note on the lines of the attached draft.

3. I am sending a copy of this minute to the Chancellor of the Duchy of Lancaster.

*RIA*

(Robert Armstrong)

*Need  
arb*

18th June 1980

CONFIDENTIAL



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C(P)(80) 2

CABINET: PROCEDURE

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DEPARTMENTAL SELECT COMMITTEES

MEMORANDUM OF GUIDANCE TO MINISTERS

NOTE BY THE PRIME MINISTER

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I circulate herewith a memorandum giving guidance <sup>on</sup> to Ministers <sup>id.</sup>  
*departmental* ~~about their~~ relations and ~~those of their departments with the departmental~~  
*with* Select Committees of the House of Commons. The guidance should help  
Ministers follow a consistent practice in responding to requests from the  
Committees. As paragraph 20 of the memorandum says, they should consult  
the Chancellor of the Duchy of Lancaster as early as possible in cases of  
difficulty.

M.H.T.

10 Downing Street

June 1980

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DEPARTMENTAL SELECT COMMITTEES  
MEMORANDUM OF GUIDANCE TO MINISTERS

1. This note gives guidance about the relations between Ministers and the Select Committees set up by the House of Commons to "mark" departments.

2. The guidance covers:

Attendance of Ministers and officials (paragraphs 5-7)

Answers in oral evidence (paragraphs 8-13)

Requests for papers and records (paragraphs 14-17)

The position of other witnesses (paragraphs 18-19)

GENERAL

3. Select Committees normally proceed informally when asking for the attendance of witnesses and for written material. The terms of reference given to the Committees by the House confer on them formal powers to send for "persons, papers and records". This note summarises the present extent of those powers\*. When the Procedure Committee recommended the establishment of departmental select committees they included in their Report<sup>1</sup> recommendations for the increase and clarification of the formal powers of the committees. In the debate on the Procedure Committee's report on 25 June 1979 the Chancellor of the Duchy of Lancaster explained why the Government did not think there need be any change in the present position. He said:

"There need be no fear that departmental Ministers will refuse to attend Committees to answer questions about their departments or that they will not make every effort to ensure that the fullest possible information is made available to them.

"I give the House the pledge on the part of the Government that every Minister... will do all in his or her power to co-operate with the new system of Committees and to make it a success. I believe that declaration of intent to be a better guarantee than formal provisions laid down in Standing Orders." (Hansard, 25 June 1979, columns 45-46).

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\* This note and its annex refer to the powers of the departmental select committees. Although most of what is said would be true of other committees of the House of Commons, there are some special considerations applying to other select committees, and in particular to the Public Accounts Committees, with which this note is not concerned.

<sup>1</sup> First Report from the Select Committee on Procedure, Session 1977-78.



4. Select Committees have no independent penal jurisdiction to enforce their powers to send for persons, papers and records or to punish for contempt. These powers of enforcement can be exercised only by order of the House itself (see Annex, paragraphs 2-3). If a Select Committee sought the backing of the House in any dispute, Ministers would be accountable to the House for their actions and those of their officials. The outcome would depend on the Government's ability to command a Parliamentary majority. Because Ministers and departments generally comply with the requests of Committees, and Committees themselves have rarely pressed their requests if good reason were shown for not meeting them, there is little recent experience of a Committee exercising its formal powers, or of a dispute requiring resolution by the House. Ministers should aim to avoid such disputes unless a matter of principle or overriding importance is at stake.

#### ATTENDANCE

##### Ministers

5. The general power of Select Committees to send for "persons" does not apply to Members of either House of Parliament. Ministers who are Members of either House can be "invited" by a Commons Select Committee to attend to give evidence to it. Only the House of Commons can order a Minister who is a Member of the House to attend before a Select Committee. A Minister who is a Member of the House of Lords must be given leave by that House to appear before a Commons' Select Committee and need attend only 'if he thinks fit'.

6. Ministers should, so far as possible, accede to requests from Select Committees to attend before them. A Select Committee may choose to study a subject which concerns other Departments in addition to its "parent" Department, and there will therefore be occasions on which a Minister is invited to appear before a Select Committee other than that for his own Department to give evidence on matters within his own sphere of responsibility. Nevertheless, it might still be a proper ground for refusal of an invitation that a Minister is not ministerially responsible for the matter about which he is asked to give evidence. Ministers have declined invitations on these grounds in the past. If a Select Committee wished to press a request, regardless of ministerial responsibility, only the House as a whole could order a Minister to attend.



## Officials

7. Officials appearing before Select Committees do so on behalf of their Ministers. It is customary, therefore, for Ministers to decide which officials (including members of the Armed Services) should appear to give evidence. Select Committees have in the past generally accepted this position. Should a Committee invite a named official to appear, the Minister concerned, if he did not wish that official to represent him, might suggest to the Committee that another official could more appropriately do so, or that he himself should give evidence to the Committee. If, however, these suggestions were rejected, and the Committee insisted on a particular official appearing before them, they could issue a formal order for his attendance. In such an event, the official would have to appear before the Committee. Arrangements might be made, if necessary, for the official to attend in company with his Minister. In any event, the official would remain subject to Ministerial instructions as to how he should answer questions.

## ANSWERS IN ORAL EVIDENCE

### Ministers

8. Erskine May (19th edition, page 687) states that: "when a Member submits himself to examination ... he is not at liberty to qualify his submission by stipulating that he is to answer only such questions as he pleases". It is, however, recognised that the extent to which a Minister gives a direct and full answer to a question must be a matter for his judgment, taking account of considerations of public policy. Speaking for the Government in the debate on 25 June 1979 the Chancellor of the Duchy of Lancaster said:

"Inevitably there will be occasions when Ministers will have to decide that it would not be in the public interest to answer certain questions or to disclose information. There are conventions governing these matters that the House has accepted over a long period and that the Government will respect. They are dealt with in the Procedure Committee's report, and the Committee for the most part was satisfied with them.

"The Government will make available to Select Committees as much information as possible, including confidential information for which, of course, protection may have to be sought by means of the sidelining procedure. There may also from time to time be issues on which a Minister does not feel able to give a Select Committee as much information as it would like. But on these occasions Ministers will explain the reasons for which the information has to be withheld." (Hansard, 25 June 1979, column 45).



9. The conventions to which the Chancellor of the Duchy of Lancaster referred were summarised in 1967 by the then Leader of the House (Mr Crossman) and, though never formally endorsed by the House, have been largely followed since then. The matters on which Ministers were said to be unwilling to give them information included matters of national security, the private affairs of individuals or companies where information had been given on a confidential basis, matters which were or might become the subject of sensitive negotiations with Governments or with other bodies, and specific cases where the Minister concerned had a quasi-judicial or appellate function. These categories are not exhaustive and Ministers should not, for example, disclose information which is commercially or financially sensitive.

10. Information may be given to Select Committees on a confidential "not for publication" basis and Ministers can ask that a Committee sit in private session, rather than in public, if they are likely to be asked for information which they would not be willing to provide except on such a basis. The decision about publication rests, however, with the Select Committee. Such matters apart, the extent to which information would be given in answer to a Parliamentary Question is a useful, but not conclusive, guideline in considering whether it should be given in answer to a question from a member of a Select Committee.

#### Officials

11. In the past, Select Committees have recognised that officials who appear before them do so on behalf of their Ministers and under their directions. A Minister may therefore instruct his officials about the manner in which they should answer questions or about matters on which they should decline to answer questions. He should, of course, be ready to appear before the Committee or the House to answer in the usual way for the conduct of his officials.

12. The Memorandum of Guidance for Officials Appearing before Select Committees gives details of the matters on which officials should not provide information, including matters mentioned in paragraph 9 above. Officials are advised not to express opinions on matters of Ministerial policy or indicate the advice that they or other officials have given to Ministers, and they are to avoid, so far as possible, entering into matters of political controversy.

13. There is no record of a civil servant being ordered by a Select Committee to provide a substantive answer to a question when he has declined to do so, or of a Select Committee reporting such a refusal by a civil servant to the House.



## REQUESTS FOR PAPERS AND RECORDS

14. Select Committees normally proceed informally when calling for official documents and, subject to the important qualifications in the following paragraphs, their requests should normally be met. Ministers should see they are consulted before any request is refused. (The formal powers of the House and of Select Committees to order the production of official papers and records are complicated by a technical distinction between papers in the custody of a Secretary of State and papers in the custody of a Minister who is not a Secretary of State (see Annex, paragraph 5). This distinction would become relevant only where formal dispute arose about the production of papers.)

15. There should be no departure from the existing rule that the advice of the Law Officers to the Government and the advice of officials to Ministers, including legal advice, should not be disclosed to Select Committees. Nor should documents be produced if they fall within the categories of private or confidential material summarised in paragraph 9 above.

16. The decision about the release of other documents of the current Administration to a Select Committee is a matter of ministerial judgment. It would certainly be wrong to release documents which, by their nature, were confidential - for example, reports on staff. When questioned about official information, the Government said, however, that it would be their general practice "to make as much information as possible available, including background papers and analytical studies relevant to major policy decisions" (Hansard, 20 June 1979, column 1316). In case of difficulty it may be possible to provide a summary of an existing document as part of a fresh memorandum rather than to produce the document itself.

17. The documents of a former Administration are the property of the Government of the day, although by convention present Ministers do not have access to them. Where such documents were not released or published during the period of that Administration they should not, as a rule, be released to a Select Committee, even at the request of the former Administration. (The memorandum of Guidance for Officials gives further detail.)

## POSITION OF OTHER WITNESSES

18. Select Committees may not order Members of either House of Parliament to attend before them. Members may only be invited to attend (see paragraph 5 above). The same applies to Officers of the House of Lords.



19. With that exception, a Select Committee may summon a citizen of the United Kingdom as witness if he is in the United Kingdom at the time in question. A private person refusing to comply with a summons to attend or to answer questions may be ordered to attend at the bar of the House and could be subject to its penal jurisdiction. A Select Committee enquiring into the work of a Department could order the attendance of members or officials of any public body if it considered their evidence likely to be relevant. For example, a Committee could seek evidence from local authority members or officials on the effect on the authority of the policy of the Government Department into which it was enquiring, even though the Committee were not empowered to examine the policy of the local authority itself.

20. In cases of difficulty, Ministers should consult as early as possible with the Chancellor of the Duchy of Lancaster. If collective discussion seemed desirable, the matter would be referred to the Home and Social Affairs Committee.



1. Paragraphs 2 and 3 of this Annex amplify what is said in the main note about the formal powers of departmental Select Committees and about the position that might arise if the orders of a Committee were not obeyed. Paragraphs 4 and 5 give further information about the extent of the power to send for papers and records.\*

Powers: General

2. The powers of departmental Select Committees derive from the House and from their terms of reference. The House cannot delegate to a Committee more powers than it possesses itself and any individual Select Committee may exercise its delegated powers only within the area the House has defined. The terms of reference of the departmental Select Committees require the Committee to "examine the expenditure, administration and policy" of the departments concerned and "associated public bodies". It is for the Committee itself and in the last resort the House, to interpret its terms of reference. The House has granted the Committees powers to send for "persons, papers and records". Penal powers and, in particular, the power to punish for contempt are possessed by the House itself and can be exercised only by the House and not by a Select Committee.

3. If a Minister declined to comply with an invitation to appear before a Select Committee, the Committee could be expected to report the matter to the House, and the House would decide what action to take. If an official were to disobey a formal order to attend before a Select Committee, he would probably be committing a contempt of the House. (This situation has never arisen so there are no precedents to learn from.) Since the matter would be one of privilege, the Speaker would almost certainly give it precedence and the Government's control over the business of the House could not prevent a debate taking place. Alternatively, but less likely, the matter could be referred to the Committee on Privileges.

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\* The subject is dealt with at length in a memorandum by the Clerk of the House, reproduced at Appendix C to the Report of the Procedure Committee. Most of what is said in this annex applies to all Select Committees of the House of Commons. It does not deal, however, with some special considerations affecting the Public Accounts Committee and the Committee for the Parliamentary Commissioner for Administration arising from the access that the Controller and Auditor-General and the Parliamentary Commissioner have to official papers.



## Papers and Records

4. If a Minister or department refused to provide papers, a Select Committee would have to be certain that the papers requested fell into a category which could be required by the House. The papers concerned must:

- (a) relate to a public matter in which the House or the Crown has jurisdiction;
- (b) be obtainable from public offices or from corporations, bodies or offices constituted for public purposes by Acts of Parliament or otherwise, and not from private associations or from individuals not exercising public functions; and
- (c) when sought from Government Departments, be of a public and official character, and not be private or confidential.

There is no definition of what is meant by "private or confidential". Official papers are likely otherwise to be within these defined categories.

5. Where papers or records were held by a Secretary of State the Select Committee could only invite their production. If the invitation were refused the Select Committee might decide to report the circumstances to the House. The House itself could then proceed by way of an Address to the Sovereign requesting that the papers be made available. The Memorandum from the Clerk of the House reproduced in the Report of the Procedure Committee gives a number of examples mostly in the 19th century in which the House declined to make an Address. No action has been taken on a recommendation of the Procedure Committee to enable a Select Committee to claim precedence for debate in the House on a Motion for an Address for an Order for the Return of Papers. The Government, therefore, cannot be compelled to find Government time for a debate on such a Motion.

6. Where papers or records were held by a Minister who is not a Secretary of State, the Select Committee could make an Order for their production, though there is no record of this having been done. If the Order were refused the Select Committee might decide to report the circumstances to the House. In this case the refusal, being a possible contempt of the House, could be given precedence by the Speaker so that the Government's control over the business of the House could not prevent a debate taking place.



It is a privilege to be invited to participate in this...  
The Commission has been established to study the...  
The Commission will report to the House on...

(a) to be a public officer in the House or the...  
The Commission has the honor to...

(b) to be appointed from public office or from...  
The Commission will report to the House on...

(c) to be appointed from public office or from...  
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18 JUN 1980



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17 June 1980

HEADS OF DIVISIONS

MEMORANDUM OF GUIDANCE FOR OFFICIALS APPEARING BEFORE SELECT COMMITTEES

The Memorandum of Guidance for Officials Appearing before Select Committees has been revised in the light of the establishment last year of the new departmental Select Committees. The Memorandum provides guidance for officials who may be involved in the preparation of written evidence or briefing in connection with Select Committees, or who may be called to give oral evidence in person.

A copy of the Memorandum is attached. Heads of Divisions will wish to ensure that it is brought to the attention of staff who may be involved in Select Committee business.

J K MOORE

PLN 164/33/03

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SELECT COMMITTEES - MEMORANDUM OF GUIDANCE FOR OFFICIALS

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## SELECT COMMITTEES

### MEMORANDUM OF GUIDANCE FOR OFFICIALS

#### INTRODUCTION

This note is intended to give guidance to officials who may be called to give evidence before, or to prepare memoranda for submission to, Parliamentary Select Committees. It supersedes General Notice GEN 76/78 and Addendum and General Notice GEN 78/11. While it is primarily intended to cover the Select Committees of the House of Commons, it is also generally applicable to Select Committees of the House of Lords. It may not always be literally applicable to the Public Accounts Committee, in view of the special position of Accounting Officers and the access of the Comptroller and Auditor General to departmental records. Supplementary guidance on the procedure to be followed in respect of the Commons Select Committee on European Secondary Legislation (and the corresponding House of Lords Select Committee on the European Communities) and on the handling of European Community documents is issued separately by the Cabinet Office. Guidance in dealing with the Joint and Select Committees on Statutory Instruments is provided in the "Handbook on Statutory Instrument Procedure".

#### SELECT COMMITTEE SYSTEM

##### General Description

2. The scope of the Select Committee system of the House of Commons has varied from time to time. The significance of the title is that the Committee's membership is "selected" for a particular task, generally of enquiry. The main practical House distinction lies between such Committees, with their role of investigation and scrutiny, and "Standing Committees", concerned with the examination of particular legislation and with their procedure based on debate rather than the taking of evidence. Some Select Committees (hereafter referred to as "Committees") are embodied in the Standing Orders of the House. Others are on a sessional basis, and can be established and their work completed within a matter of weeks or months. Some are Committees with a purely House function (eg the Committee of Selection), with which Departments will not normally come into contact. The principal Commons Select Committees with which this memorandum is concerned are those related to Government Departments (see paragraph 4); the Public Accounts Committee; the Committee on the Parliamentary Commissioner for Administration; the Committee on European Secondary Legislation; and the Services Committee (concerned with House administration). Certain co-ordinating functions on behalf of the various Commons Committees are carried out by the Liaison Committee; the normal Government contact with this is through the Leader of the House.

3. In the House of Lords, the European Communities Committee and its Sub-Committees regularly seek written and oral evidence from Departments. There is a sessional Select Committee on Science and Technology with power to appoint sub-committees and to co-opt further members for this purpose. In addition there is generally one ad-hoc Select Committee in the Lords (at present the Select Committee on Unemployment) which takes evidence from Departments.



## Committees Related to Government Departments

4. The Committees related to Government Departments and the principal Departments concerned are:

Agriculture	Ministry of Agriculture, Fisheries and Food
Defence	Ministry of Defence
Education, Science and Arts	Department of Education and Science
Employment	Department of Employment
Energy	Department of Energy
Environment	Department of the Environment
Foreign Affairs	Foreign and Commonwealth Office
Home Affairs	Home Office
Industry and Trade	Department of Industry, Department of Trade
Social Services	Department of Health and Social Security
Transport	Department of Transport
Treasury and Civil Service	Treasury, Civil Service Department, Board of Inland Revenue, Board of Customs and Excise

There is also a Committee on Scottish Affairs related to the Scottish Office and a Committee on Welsh Affairs related to the Welsh Office. The Committees on Foreign Affairs, Home Affairs and the Treasury and Civil Service each have power to appoint one investigative sub-committee. A joint sub-committee may be set up from time to time to consider any matter affecting two or more nationalised industries, with members drawn from the departmental Committees concerned. Matters within the responsibilities of the Secretary of State for Northern Ireland will be considered by the existing Committees as necessary.

5. The general terms of reference of these Committees are as set out in Standing Orders No. 86A, 86B and 86C (Appendix A of this Memorandum). The Committees are entitled to examine the expenditure, administration and policy of the principal Government Departments, and also of their "associated public bodies". The terms of the Standing Orders do not define "associated public bodies" but the Chancellor of the Duchy of Lancaster said in his speech on 25 June 1979 that:

"The Government also accept the Procedure Committee's view that the Committees must be able to look at the activities of some public bodies that exercise authority of their own and over which Ministers do not have the same direct authority as they have over their own Departments. The test in every case will be whether there is a significant degree of ministerial responsibility for the body concerned".

Associated public bodies therefore include all nationalised industries, fringe bodies and other Governmental organisations within the responsibilities of the Department or Departments concerned for which Ministers are ultimately answerable. They do not, however, include bodies for which Ministers are not answerable to Parliament, even though these bodies may be in receipt of Government funds. There will no doubt be



borderline cases, but in general the existing principles of Parliamentary accountability can be applied.

#### Powers of the Committees

6. Select Committees (and their sub-committees) normally have the power to "send for persons, papers and records". This power is understood as a power to "order" the attendance of persons and the submission of papers, but its interpretation and its application to Ministers are examined in detail in the memorandum by the Clerk of the House which was reproduced at Appendix C to the First Report from the Select Committee on Procedure, Session 1977-78.

7. Any official who appears before a Select Committee or who submits papers to it does so on behalf of his Minister. As the Procedure Committee emphasised in their Report:

"The over-riding principle concerning access to government information should be that the House has power to enforce the responsibility of Ministers for the provision of information or the refusal of information. It would not, however, be appropriate for the House to seek directly or through its committees to enforce its rights to secure information from the Executive at a level below that of the ministerial head of the department concerned (normally a Cabinet Minister), since such a practice would tend to undermine rather than strengthen the accountability of Ministers to the House".

In practice, Committees normally proceed on the basis of "requests" for departmental witnesses and evidence rather than through the exercise of formal powers.

8. It should be noted that, in addition to examining the expenditure, administration and policy of Government Departments and associated public bodies, Select Committees are free to seek evidence from whomsoever they please, and are entitled to require the production of papers by private bodies or individuals so long as these are relevant to the Committees' work.

#### Summoning of Named Officials

9. Officials appearing before Select Committees do so on behalf of their Ministers. It is customary, therefore, for Ministers to decide which officials (including members of the Armed Services) should appear to give evidence. Select Committees have in the past generally accepted this position. Should a Committee invite a named official to appear, the Minister concerned, if he did not wish that official to represent him, might suggest that another official could more appropriately do so, or that he himself should give evidence to the Committee. If a Committee insisted on a particular official appearing before them they could issue a formal order for his attendance. In such an event the official would have to appear before the Committee. He would remain subject to Ministerial instructions as to how he should answer questions.



#### Open Sessions

10. Select Committees often admit the public and Press to hearings, and it is possible that proceedings may be broadcast. Departments may wish to ascertain from the Clerk to the Committee beforehand whether particular proceedings are to be recorded. Arrangements for the treatment of confidential information in oral evidence are referred to in paragraphs 44-46 below.

#### Liaison Officers

11. Departments may wish to consider appointing a liaison officer to be the main channel for communications between the Department and the Select Committee and its Clerk. The Clerks to the Select Committees will usually be glad to talk informally to Departments about their Committees' work and to co-operate by, for example, providing the Departments most concerned with the confidential proofs of evidence taken by the Committee.

#### Committee Staff

12. Responsibility for staffing support for Committees rests with the House of Commons Commission. The departmental Committees have, however, been given power to appoint "persons with technical knowledge" either to supply information which is not readily available or to elucidate matters of complexity within the Committees' orders of reference. The Committees will thus be able if they wish to retain the services of experts, not only to assist with particular enquiries but to advise on future enquiries or to deal with problems arising in the course of enquiries. If Departments are asked by Committees to undertake research work or surveys on their behalf, it may be possible to meet such requests by the utilisation of existing information, modified as appropriate. But if the new work involved is likely to be substantial, and the Committee has power to appoint its own specialist advisers, it may be appropriate to suggest to the Committee that it considers this alternative, or possibly the employment of private research agencies or universities.

#### Travel Overseas

13. Committees may wish to travel abroad, and to take evidence in extra-territorial conditions. It has been informally agreed with the Clerk of the House that "early warning" will be given at the official level if a Committee contemplates foreign travel, but Departments should ensure that the Foreign and Commonwealth Office is informed as soon as it is known that a Committee is proposing to travel overseas. Departments may obtain advice on proposals by Committees to travel abroad from the Foreign and Commonwealth Office (Parliamentary Commissioner and Committees Unit, 233-3952 or 233-3542).

#### Ministerial Statements

14. It is desirable for Committees to be given warning where possible about impending Ministerial statements on matters which are relevant



to specific enquiries which Committees are currently undertaking. A convenient method is by way of notification to the Clerk at the same time as the Whips inform the Opposition, which is normally at noon on the day of the statement. This notification to the Clerk would be of the fact that the statement is to be made, but not including the text of the statement itself.

#### PROVISION OF EVIDENCE

##### General

15. The general principle to be followed is that it is the duty of officials to be as helpful as possible to Committees, and that any withholding of information should be limited to reservations that are necessary in the interests of good government or to safeguard national security. Departments should, therefore, be as forthcoming as they can (within the limits set out in this note) when requested to provide information whether in writing or orally. This will also help to secure that the reports of Committees are as soundly based on fact as possible. Oral evidence is recorded verbatim. When oral evidence is to be given, it is advisable for Departments to send at least two witnesses so that they can divide between themselves the responsibility for answering questions. Because officials appear on behalf of their Ministers, Departments might want to clear written evidence and briefing with Ministers. It may only be necessary for Ministers to be consulted should there be any doubt among officials on the policy to be explained to the Committee. However, Ministers are ultimately responsible for deciding what information is to be given and for defending their decisions as necessary, and Ministers' views should always be sought if any question arises of withholding information which Committees are known to be seeking.

##### Accuracy of Evidence

16. Officials appearing before Select Committees are responsible for ensuring that the evidence they give is accurate. They are reminded to take particular care to see that they are fully and correctly briefed on the main facts of the matters on which they expect to be examined. Should it nevertheless be discovered subsequently that the evidence unwittingly contained errors, these should be made known to the Committee at the earliest possible moment.

##### Informal Discussions

17. Some Committees may occasionally conduct informal discussions in addition to taking formal evidence. When that occurs officials should apply the same considerations as apply to formal evidence, because the supply of information informally can affect a Committee's report as much as formal evidence.

##### Status of Information Supplied

18. Once information has been supplied to a Committee, it becomes "evidence" and, subject only to the conventions governing classified information (see paragraphs 45-46), it is entirely within the competence of the Committee to report and publish it or to refrain from doing so. Letters addressed to the Clerk to the Committee, however informal, are strictly speaking "evidence" and liable to be published.



## Inter-Departmental Liaison

19. Generally speaking the subjects of enquiry by Select Committees will fall clearly within the responsibilities of particular Departments. Occasionally, however, Committees may enquire into subjects which span the work of more than one Department, or where departmental responsibility is not self-evident. The aim must be to ensure that Committees direct their questions on each aspect of such subjects to the Department chiefly concerned with that aspect, and do not question Departments whose role is that of co-ordination about matters which go outside that role. This indicates that where in such cases the Committee needs a memorandum covering the interests of several Departments, it may be better for this to be submitted by the Department with the predominant role in the field concerned (rather than by a co-ordinating office such as the Cabinet Office). If the Committee then asks that Department questions (whether in writing or orally) proper to some other Department, they can be re-directed.

20. In these cases it is clearly desirable for all the Departments concerned, in accordance with normal procedure, to keep in touch in the preparation of their evidence - eg by exchanging drafts. Where there is no co-ordinating machinery already available for this purpose it may be best for the Department with the predominant role to act as a central point. Since there is no separate Select Committee for Northern Ireland, a Department with this role should particularly ensure that Northern Ireland interests are taken into account as necessary. It is important that Departments should clear with any other Department which may have an interest both memoranda and the line to be taken in oral evidence, even if the time for this is short.

21. Greater difficulties may arise when the subject under enquiry is one in which no Department can be said to have a predominant interest, where in such cases the Committee needs a memorandum covering the interests of several Departments - eg setting out the range of Government activities in the field concerned - it may well be necessary for the body which co-ordinates Government action in that field to submit it. It seems desirable, however, so to organise such memoranda as to indicate, for each aspect covered, which Department is primarily responsible and at least by implication the limitations of the co-ordinating responsibility. This should assist the Committee in summoning the witnesses appropriate to the aspects it wishes to investigate at each session; and if the questions asked are misdirected, no doubt the witnesses will say so.

22. Normally the Cabinet Office and other similar co-ordinating offices will not be required to give evidence to a Committee, but the Central Policy Review Staff may give evidence about their published work. Requests for CPRS evidence on other matters, and requests for other evidence from co-ordinating offices such as the Cabinet Office and "non-departmental" units or officials, should be referred to Ministers. A Committee might seek evidence from a particular official (for example the head of the Government Statistical Service) who is not directly answerable to a departmental Minister but who in his professional capacity has a special knowledge of the subject of an enquiry. In these cases too, Ministers should be consulted.



## LIMITATIONS ON THE PROVISION OF INFORMATION

### General

23. Committees' requests for information should not be met regardless of cost or of diversion of effort from other important matters. It might prove necessary to decline requests which appeared to involve excessive costs. It may be necessary for a Department to consult their Minister if a particular request seems to involve an unreasonable amount of extra work.

24. The Procedure Committee recognised that there may be occasions when Ministers may wish to resist requests for information on grounds of national security. Appendix C of the Committee's Report (the memorandum by the Clerk of the House) reproduces the text of a letter of 9 May 1967 to the Chairmen of certain Select Committees from the then Lord President of the Council and Leader of the House, which refers (among other limitations on the provision of information) to "information affecting national security, which would normally be withheld from the House in the national interest". Guidance to departments on the release of classified information to Committees is given in the manual "Security in Government Departments". This manual is the overriding authority; what follows must be read subject to its guidance. Officials must not disclose information which the manual says must be withheld; they should consult their Departmental Security Officers if in doubt.

25. Officials should not give evidence about or discuss the following topics:

i. In order to preserve the collective responsibility of Ministers, the advice given to Ministers by their Departments should not be disclosed, nor should information about interdepartmental exchanges on policy issues, about the level at which decisions were taken or the manner in which a Minister has consulted his colleagues. Information should not be given about Cabinet Committees or their discussions (see paragraphs 26-28).

ii. Advice given by a Law Officer (see paragraph 31).

iii. The private affairs of individuals or institutions on which any information held by Ministers or their officials has been supplied in confidence (including such information about individuals which is available to the Government by virtue of their being engaged in or considered for public employment).

Officials should also, where possible, avoid giving written evidence about or discussing the following matters. Where appropriate further guidance is provided in the succeeding paragraphs:

iv. Questions in the field of political controversy (see paragraphs 29-30).

v. Sensitive information of a commercial or economic nature, eg knowledge which could affect the financial markets, without prior consultation with the Chancellor of the Exchequer; sensitive information relating to the commercial operations of nationalised industries, or to contracts; commercial or economic information which has been given to the Government in confidence, unless the advance consent of the persons concerned has been obtained (but see paragraph 48 on the kind of contract information which may, in certain circumstances, be provided).



vi. Matters which are, or may become, the subject of sensitive negotiations with Governments or other bodies, including the European Community, without prior consultation with the Foreign and Commonwealth Secretary, or in relation to domestic matters the Ministers concerned (see paragraph 32).

vii. Specific cases where the Minister has or may have a quasi-judicial or appellate function, eg in relation to planning applications and appeals, or where the subject-matter is being considered by the Courts, or the Parliamentary Commissioner (see paragraphs 33-34).

Where, exceptionally, matters such as iv-vii have to be discussed, application may be made for "sidelining" (see paragraph 46). There is no objection to saying in general terms why information cannot be given and it is very unusual for a Committee to press an official who indicates that he is in difficulty on such grounds in answering a question. If however this happens, it may be best to ask for time to consider the request and to promise to report back. Paragraphs 6-7 should be referred to.

#### Collective Responsibility

26. Departmental witnesses, whether in closed or open session, should preserve the collective responsibility of Ministers and also the basis of confidence between Ministers and their advisers. Except in a case involving an Accounting Officer's responsibility (see C8 and 9 of "Government Accounting") the advice given to Ministers, which is given in confidence, should not therefore be disclosed, though Departments may of course need to draw on information submitted to Ministers. It is necessary also to refuse access to documents relating to interdepartmental exchanges on policy issues. Equally the methods by which a current study is being undertaken, eg by the Central Policy Review Staff, should not normally be disclosed without the authority of Ministers, unless they have already been made public. Nor should Departments reveal the level at which decisions were taken. It should be borne in mind that decisions taken by Ministers collectively are normally announced and defended by the Minister responsible as his own decisions, and it is important that no indication should be given of the manner in which a Minister has consulted his colleagues (see also paragraph 31 on the special position of the Law Officers).

27. In no circumstances should any Committee be given a Cabinet paper or extract from it, or be told of discussions in a Cabinet Committee. Nor should information be given about the existence, composition or terms of reference of Cabinet Committees, or the identity of their chairmen, beyond that information disclosed by the Prime Minister in answer to a Parliamentary Question on 24 May 1979 (see Appendix B), and if witnesses are questioned on such matters they must decline to give specific answers. There is, however, no objection to pointing out in general terms that consultation between Departments runs through the whole fabric of government and occurs at all levels both official and Ministerial.

28. Departmental files will tend to concern the matters referred to in paragraph 25 above, and Departments should consult their Ministers, and should also advise the Civil Service Department when dealing with any request



by a Committee to see or have quoted verbatim any interdepartmental correspondence or internal minutes. The PAC is in a special position in view of the C & AG's access to departmental papers, and in considering any request from it for access to departmental papers the Treasury should be consulted in addition to the Civil Service Department. In the special case of the Select Committee on the Parliamentary Commissioner, it may be necessary to quote from departmental documents in connection with Parliamentary and Health Service Commissioner cases. But it is not the practice of the Committee to require evidence which would amount to the "re-trial" of a Parliamentary or Health Service Commissioner case.

#### Policy

29. Official witnesses, whether administrative, professional or Services, should as far as possible confine their evidence to questions of fact relating to existing Government policies and actions. Officials should be ready to explain what the existing policies are and the objectives and justification, as the Government sees them, for those policies, and to explain how administrative factors may have affected both the choice of policy measures and the manner of their implementation. It is open to officials to make comments which are not politically contentious but they should as far as possible avoid being drawn, without prior Ministerial authority, into the discussion of alternative policy. If official witnesses are pressed by the Committee to go beyond these limits, they should suggest that the questioning be addressed, or referred, to Ministers. If there is a likelihood of a material issue of policy being raised by a Committee in its questioning of official witnesses, Departments will wish to consult Ministers beforehand. (On appearance by Ministers, also see paragraphs 6-7.)

30. A Select Committee may invite specialist (as opposed to administrative) civil servants to discuss the professional or technical issues underlying controversial policies. This may raise particular problems in the case of, for example, economists, if Committees discuss issues of economic reasoning which bear upon controversial policy questions and which are also matters of technical and professional controversy among economists. When this is so, and where Economic Advisers to the Government appear as official witnesses, they may find themselves in the difficulty that their own judgement on the professional issues has, or might easily appear to have, implications critical of the Government's policies. It is not open to them to explain the advice which they have given to the Government on such a matter, or would give if asked by the Government. They cannot therefore go beyond explaining the economic reasoning which, in the Government's view, justifies their policy. This will only be possible where the underlying theory has indeed been explicitly formulated; and the status of what was being presented would have to be made clear. If there is no quotable public evidence of a Government view and the witness is asked for his own professional judgement on the issue, or his judgement of the view that the Government would be likely to take, he should refer to the political nature of the issue and suggest that the questioning be addressed or referred to Ministers. Similar considerations apply in the case of other specialist civil servants.

#### Advice Given by a Law Officer

31. There should not be disclosed to a Committee any advice that may have been given by the Law Officers. There is a well established convention



that the advice which Law Officers give to Ministers is confidential. It is only when Law Officers expressly authorise the disclosure of that advice, or themselves report to or advise Parliament or a Committee, that such advice is revealed.

#### International Relations

32. Negotiations with other Governments are normally conducted in strict confidence. Officials should take care in discussing or giving written evidence on matters which may affect relations with other Governments or bodies, including the European Community, or relations between British officials and those of other Governments. Texts of communications between Governments, unless already made public, should be regarded as confidential and should not be submitted as evidence without prior approval of the Minister concerned.

#### Matters Sub-Judice

33. Committees are subject to the rules by which the House regulates its own conduct and that of its Members. It is normally possible to work on the assumption that if a matter already before the Courts seemed likely to come up for discussion before a Committee, the staff of the House would have drawn the attention of the Chairman to the relevant rules of the House relating to discussion of sub-judice questions. But the Chairman has an overriding discretion to determine what is appropriate in the hearing of evidence.

34. Officials should take care in discussing or giving written evidence on matters which may become the subject of litigation but which as yet do not strictly come under the rules which preclude discussion on sub-judice questions. Such caution should be exercised whether or not the Crown is likely to be a party to the litigation. If such matters seem likely to be raised when a Committee takes evidence, officials should first consult with their own departmental solicitor or the Treasury Solicitor for advice on how to handle the questions which might arise.

#### Reports Commissioned by Departments

35. On a number of occasions Committees have made requests to see copies of reports commissioned by Departments. These requests can often cause particular difficulty. Such reports may come from a variety of sources, ranging from the purely internal working group to the major outside Committee, but where publication was not intended. The fact that a report is known to have been prepared does not of itself oblige a Department to reveal its contents. In deciding whether to accede to requests for particular reports the primary consideration must always be the contents of the document concerned, ie whether it contains classified information or information of the kinds discussed elsewhere in this memorandum which should not normally be disclosed.

36. In addition the following considerations may be relevant:

- i. While Select Committees should not press for internal advice to Ministers to be revealed, they are less likely to accept without argument a refusal to reveal a report from a departmental committee



containing outside members, and even less likely to accept a refusal in the case of a wholly external committee. In particular, they will be understandably reluctant to accept a refusal where the establishment of the committee in question has been announced, together with its membership and terms of reference, and where its report is known to exist. These implications need to be taken into account in deciding how much publicity should be given to the establishment of committees of this kind.

ii. In particular cases Departments may consider that, while a report cannot be published, it would be helpful to provide it to a Committee, provided it was treated in confidence (see paragraph 43).

iii. In certain cases, where a Select Committee might reasonably expect to receive a certain amount of detailed information, Departments may be able to provide a written memorandum in place of the report itself. If Departments can assist Committees in this way, it is generally desirable to do so.

iv. Departments should always seek the views of Ministers before refusing a request from a Select Committee for a particular report, since the Minister might be called on to defend the decision to the Committee personally.

#### Documents Relating to the Internal Administration of Government

37. The Procedure Committee recommended that:

"Select committees should regard any refusal by government departments to provide information relating to departmental or interdepartmental organisation - unless fully explained and justified to their satisfaction - as a matter of serious concern which should be brought to the attention of the House".

A considerable amount of information about the internal distribution of business is already available in published form (eg in the Civil Service Year Book) and the normal presumption should be that more detailed information about Departments' organisational structure, such as directories and organisation charts, should be provided to Committees if it is requested. Where a description of duties of a sensitive nature necessitates the revelation of classified information, the considerations relating to classified documents (see paragraphs 43-46) should apply.

38. Requests for documents which go beyond a description of the existing organisation of a Department and deal with methods of operation (eg arrangements for formal and informal co-ordination or for delegation of authority) or with reviews of existing departmental organisation or methods may raise more difficult questions, since these will frequently be internal working papers. Even here, however, the presumption should be that information on these matters should be provided, in an appropriate form, unless it would conflict with the guidance in paragraph 25 above. Ministers should be consulted about any requests for information of this kind. Except where particular arrangements have been made public, information about interdepartmental organisation may present more difficulty (see paragraphs 26-27).



## Documents of a Previous Administration

39. There are well-established conventions which govern the withholding of policy papers of a previous Administration from an Administration of a different political complexion. Since officials appear before Select Committees as representatives of their Ministers and since Select Committees are themselves composed on a bipartisan basis, it follows that officials should not provide a Select Committee with papers of a previous Administration which they are not in a position to show to present Ministers. If such papers are sought, Ministers should be consulted about the request. The general rule is that documents of a former Administration which have not been released or published during the period of that Administration should not be released or published by a subsequent Government. Where Ministers propose to make an exception, it would be necessary to consult a representative of the previous Administration before showing the papers either to present Ministers or, with Ministers' agreement, releasing them to a Select Committee.

## TREATMENT OF EVIDENCE

### Open Sessions

40. Unclassified memoranda prepared by Departments for a Committee may be published by the Committee before its full report is presented to the House, and may be available to the Press and public at the time of the related session. Open sessions of Committees often attract publicity since evidence before them may be reported forthwith by the Press. Departments are in these circumstances free to comment immediately to the Press on matters raised in their evidence. If a Select Committee takes evidence in public from a Minister or senior official, therefore, it may be considered desirable for a Press Officer also to attend, so as to be able to answer Press queries. Such Press briefing should not, however, extend to comment on matters of policy since such comment might be regarded as impeding the Committee in its task and hence as contempt. Care should be taken not to go beyond the evidence given by the Minister or official in commenting on any suggestion made by another witness, eg the Chairman of a nationalised industry, at the same hearing, or to disclose information not yet given publicly.

41. Written memoranda of evidence on which departmental witnesses are examined in public and which are included in the printed copy of the proceedings reported that day to the House, inasmuch as they may have been available to the public attending the session, may at the Department's discretion be issued to other interested parties thereafter. Copies of oral evidence given in public, however, should not be disclosed by Departments until the final published version is available, as the first copies are confidential proofs subject both to correction and to explanation by footnotes. Amendments to the proofs of evidence sent to witnesses by the Clerk cannot normally go beyond minor corrections of grammar and transcription, although the Chairman may be willing to consider suggestions about "sidelining" (see paragraph 46).

42. Evidence critical of a Department may be given in open session by persons outside the Department on occasions where departmental witnesses are not also present. In these circumstances Departments should not seek publicly to respond to such criticism outside the ambit of the Committee. Instead, the



Chairman of the Committee concerned may be asked to consider inviting the Department to express their view also to the Committee as soon as possible.

#### Disclosure of Confidential Information in General

(see also Sir Douglas Allen's letter of 19 August 1975 to Heads of Departments about the disclosure of classified information to Select Committees, at Appendix C).

43. The general aim of Departments should be to assist Committees by disclosing to them whatever official information they may require for the carrying out of their Parliamentary functions, provided that there are not overriding reasons of security or other grounds for withholding such information. It may be, however, that particular information requested by a Committee, or other information which a Department consider might have a relevant bearing on a Committee's enquiries, should only be made available on the basis that it will not be published and will be treated in confidence. Where this is so, the Department should inform the Clerk to the Committee that the information can be made available only on this basis, explaining the reasons in general terms. Such information should not be made available until the Committee has agreed to treat it accordingly; or, in the case of information with no security classification, at least until the Department are satisfied that the Committee is prepared to agree to a reasonable degree of sidelining (see paragraph 46b.). The interpretation of "evidence" at paragraph 18 should be noted in this context. In considering the submission of confidential evidence to a Committee, Departments should bear in mind that the final authority as to whether or not evidence shall be published rests with the Committee. Arrangements have occasionally been made whereby certain classified evidence is given only to a sub-Committee of a main Commons Select Committee. Formally, however, Departments should proceed on the basis that main Committees and sub-Committees represent a single entity. No evidence given to Committees in closed sessions (ie when the public and the Press are not admitted) should be disclosed by Departments before the evidence has been published by the Committee.

#### Disclosure of Confidential Information in Oral Evidence

44. It would clearly be inappropriate for any evidence which a Department wished to be treated as confidential to be given at a session of the Committee to which the public and Press are admitted. Accordingly, if it appears likely that topics to be discussed at a forthcoming public session of a Committee are such that the departmental witnesses would only be able to give substantive answers if they could be treated in confidence, the Department should write to the Chairman or the Clerk to the Committee explaining why this is so: in most cases it is likely that it would be appropriate for the departmental Minister to write to the Chairman. If, despite such an approach, a Committee questions an official witness in public session on what he considers confidential matters, or if such matters are raised unexpectedly, he should inform the Committee that he cannot answer the question on grounds of confidentiality: he should not himself suggest that the Committee should go into closed session. In certain technical fields (eg defence research) it may be useful for a Department to hold off-the-record "presentations" for Committee members.



## Procedures for Avoiding Publication of Confidential Evidence

45. Where confidential written evidence is submitted to a Committee on the understanding that it will not be published, this understanding should be made clear in the covering letter to the Clerk to the Committee accompanying the evidence.

46. In the case of confidential evidence given orally to a Committee in closed session, the following procedures should be followed in order to ensure that such evidence is not made public:

a. Information with a security classification - TOP SECRET, SECRET, CONFIDENTIAL, RESTRICTED. (See also Sir Douglas Allen's letter of 19 August 1975 to Heads of Departments, Appendix C.) In cases where information with a security classification is revealed to a Committee, the following procedure should be followed in order to prevent publication. (The disclosure of TOP SECRET information may only be made on the personal authority of the Minister concerned.)

i. The witness, before leaving the Committee Room, should let the Clerk to the Committee know what portions of his evidence contain matters with a security classification.

ii. The Clerk will then instruct the shorthand writer not to send for printing the transcript of those portions, but instead to send 3 copies to the Clerk (5 copies in the case of the Public Accounts Committee).

iii. The Clerk will send 2 copies to the witness: one is for his retention; on the other he should sideline any passage containing information which, in his opinion, it would be undesirable on grounds of security to print.

Since this procedure involves delay in the printing of evidence, it should only be used where strictly necessary.

b. Other confidential information

If a Department propose to reveal confidential (but not classified) information which, in the view of the Department, it would not be desirable on grounds other than security to include in the published evidence, they should first ask the Committee to agree that it should not be published or at least be certain that the Committee is prepared to agree to a reasonable degree of sidelining. Procedures on the lines of a. above will then be followed, and the attention of the Clerk to the Committee should be drawn to passages marked in accordance with the procedure at a. but which do not have a security classification (see also paragraph 25). Alternatively it may be sufficient to settle the details of sidelining at a later stage when the proof of evidence is available from the Clerk. It should be noted that Select Committees may sometimes challenge a request for sidelining, and officials must always be sure that they can justify such a request if they make one. Challenges are more likely to arise, and sidelining is likely to be more difficult to defend, in the case of b. above than where the information has a standard security classification.



## EVIDENCE FROM OTHER BODIES

47. Committees may, as stated in paragraph 5 above, call for evidence from non-departmental bodies for which Departments have responsibility. If a Department become aware that a non-departmental body for which they are responsible has been invited to give evidence, they may wish to consider whether it would be advisable to discuss the lines of evidence with the witnesses before the hearing. The Department may also wish to seek the Committee's agreement to their being represented at the hearing: whether this is allowed is entirely a matter for the Committee.

48. Committees may occasionally call for evidence from commercial firms, particularly those handling Government contracts. A contractor is normally prohibited from publishing without written consent the details of Government contracts. Departments may have to discuss with firms how far the former can provide a Committee with a general picture of their work without going into the details of specific contracts. Sensitive information of a commercial nature should not be disclosed (see paragraph 25(v)).

49. The normal relationship between Departments and non-departmental bodies or private firms may be sufficient to ensure an awareness on the part of witnesses from these bodies of the need to deal with the Committee's enquiries in a manner consonant with the rules about the security of classified information etc. To the extent that this is thought not to be sufficient, however, Departments should take steps to ensure that classified information in any evidence given by witnesses from these bodies is protected (see also paragraphs 35-36 about reports commissioned by Departments).

50. Departments may also wish to ask non-departmental bodies for which they have responsibility to show them written evidence or replies in draft before submitting them. The purpose of this would be consultative, under the normal arrangements which may be expected to exist between Departments and such bodies for consultation on matters of importance; the bodies would, of course, remain free to express their independent views, subject to their statutory or contractual responsibilities and subject to there being no questions of security involved. It is usual practice for sponsor Departments and nationalised industries to see each other's initial memoranda. It should be noted that the Procedure Committee have recommended that memoranda by Government Departments and non-departmental bodies should include a declaration of the persons and organisations with whom consultations have taken place prior to their submission. This recommendation should be drawn to the attention of non-departmental bodies when such consultations take place; and departmental memoranda which have been shown in draft to non-departmental bodies should include a statement of the bodies concerned.

## DEPARTMENTAL REPLIES

51. Interested Departments and the Press normally receive advance copies of the Reports of Select Committees 48 hours before publication; the power for Committees to provide these is embodied in Standing Orders. While most Committee staff have been co-operative over this, such advance issue is at their discretion and Departments cannot insist on seeing copies. If a Report is known to be imminent, it may help Departments if their liaison officer can contact the Clerk to the Committee on an informal basis about the likely timetable, so that Departments can have as much notice as possible.



#### Immediate Comment

52. This period of notice enables Departments to prepare Press briefing as appropriate for comment on the Report as soon as it is published. These immediate comments are, however, subject to certain rules and conventions because it is vital that they should not appear to anticipate or prejudice the Government's final and considered reply to the Committee's recommendations (see paragraphs 59-60), which must first be given to Parliament.

53. When they are aware of the prospective publication of a Select Committee Report with which they are concerned, the Department should consider what, if any, form of Press briefing is desirable, eg whether to issue an immediate Press Notice at the same time as the publication of the Report or simply to provide material to the departmental Press Office against the possibility of Press enquiries. It should be borne in mind that the Press are entitled to get advance copies at the same time as the Department (cf paragraph 51 above), so that questions may arise almost as soon as the copies are available.

54. It is a point of overriding importance that the Government's final and considered reply to the specific recommendations of a Select Committee should be delivered first to Parliament. This means that nothing in the comments given to the Press (immediately on publication of the Report or in the intervening period up to the delivery of the Government's reply) should seem to anticipate that reply. On the other hand, there is no objection to the provision of relevant background information or to the correction of mis-statements of fact; and, if desired, it may be possible to answer specific criticisms or comments by reference to other paragraphs in the Report or to evidence given to the Committee and published with the Report. Committees frequently publish with their Reports the evidence they have taken; in such cases the evidence may be quoted without risking a breach of Parliamentary privilege. Questions from the Press about a Committee's recommendations should be answered by saying that they will be fully considered and answered as soon as possible by an official reply.

55. Where a Select Committee Report concerns more than one Department, the Department with the major interest should co-ordinate the Press briefing, though Press enquiries may be answered by the other Departments concerned on the agreed lines.

56. In respect of "omnibus" Reports from the Public Accounts Committee, it is for Departments to prepare their own Press Notices, if any, and information to be given to the Press. There is, however, a specific undertaking given to the Committee by the Treasury in December 1968 that information provided by Departments to the Press will be confined to background and supplementary information of a character not intended to be "controversial comments", will not contain argument about the Committee's recommendations, and will be "vetted" by the Treasury. As far as possible a record should be kept of these departmental statements so that disputes about their form and content may be avoided. The arrangements in this paragraph apply to immediate comment on Reports of the Comptroller and Auditor General.

#### Timing and Manner of Formal Reply

57. Select Committees have often been critical of the time taken by Departments to reply to their Reports, and the Procedure Committee have



recommended that Departments should normally be required to publish their observations on Select Committee Reports within 2 months of publication of the Reports. The Committee proposed that, in the event of insuperable difficulties which make this impracticable, an interim set of observations should be produced within 2 months, and within every 2 month period thereafter.

58. Previous Government statements have drawn attention to the practical difficulties there would be in giving a firm undertaking to reply in all such cases within this timescale. It has been pointed out that Committee Reports tend to cover issues which require consideration in some depth, and consultations within and outside Departments are frequently necessary before a substantive reply can be provided. Departments should however do their best to meet the 2-month timetable recommended by the Procedure Committee. Where this is not possible, the reply should certainly be provided within 6 months and letters should go to the Committee before the expiry of the 2-month period explaining why the earlier deadline cannot be met.

59. The Government's considered reply to the specific recommendations of a Committee is frequently presented as a Command Paper. Departments are reminded that the Secretary of the Cabinet should be given notice of impending Command Papers at least one month before the final proof of the publication is required, in order that adequate arrangements can be made for the appropriate Ministerial Committee and (if necessary) the Cabinet to clear the draft. Even if the draft of a Command Paper has been considered by a Ministerial Committee, it is customary to circulate the paper to the Cabinet for information at the draft or CFR stage. Where several Departments are concerned, the Command Paper may be issued either by the principal Minister concerned, or by several Ministers acting jointly, each Department contributing a separate section of the paper. Replies to Reports of the Public Accounts Committee are always collated and presented by the Treasury. Where a Select Committee's recommendations concern another public body, that body may reply direct to the Committee, or its reply may be annexed to the Government's. Advance copies of any Command Paper in reply to a Select Committee Report should be made available to the Committee concerned (and to the Press) 48 hours before publication, and Committees may find it helpful to be advised informally, where possible, that a reply is imminent. This is the counterpart of the arrangement described in paragraph 51 above.

60. Departments are not, however, obliged to use the Command Paper form of reply to a Select Committee, particularly for minor recommendations. Departments may address Committees in the form of memoranda, or a Minister may wish to address the Chairman of a Committee by letter if the subject does not appear to merit a more formal treatment, or answers to Parliamentary Question may be used. In the first 2 cases, however, the reply becomes evidence submitted to the Committee, which the Committee may publish if it so decides and, if desired, with its own further comments on the Government's reply. Replies to reports by Committees which have not been re-appointed can take the form of Command Papers, Ministerial statements, or answers to Parliamentary Questions, etc. There is no obligation to reply to every point made by a Committee: some may be obiter dicta: some may not be addressed to the Government but to the House (eg certain recommendations of the Procedure Committee): some may be conveniently covered in one omnibus comment. In the period between a Committee's report and the formal Government reply, there need be no constraint on Departments taking action on any recommendation made by the Committee. However, when such action is taken the Committee



should be informed, a Parliamentary announcement should be considered, and in any event the formal Government reply to the Committee should refer to the action taken (see also paragraph 14).

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May 1980



## EXTRACT FROM STANDING ORDERS OF THE HOUSE OF COMMONS

## Select Committees related to Government Departments

86A-(1) Select committees shall be appointed to examine the expenditure, administration and policy of the principal government departments set out in paragraph (2) of this Order and associated public bodies, and similar matters within the responsibilities of the Secretary of State for Northern Ireland.

(2) The committees appointed under paragraph 1 of this Order, the principal departments of government with which they are concerned, the maximum numbers of each committee and the quorum in each case shall be as follows:

Name of committee	Principal government departments concerned	Maximum numbers of Members	Quorum
1. Agriculture	Ministry of Agriculture, Fisheries and Food	9	3
2. Defence	Ministry of Defence	11	3
3. Education, Science and Arts	Department of Education and Science	9	3
4. Employment	Department of Employment	9	3
5. Energy	Department of Energy	11	3
6. Environment	Department of the Environment	11	3
7. Foreign Affairs	Foreign and Commonwealth Office	11	3
8. Home Affairs	Home Office	11	3
9. Industry and Trade	Department of Industry, Department of Trade	11	3
10. Social Services	Department of Health and Social Security	9	3
11. Transport	Department of Transport	11	3
12. Treasury and Civil Service	Treasury, Civil Service Department, Board of Inland Revenue, Board of Customs and Excise	11	3



(3) There shall in addition be a select committee to examine the reports of the Parliamentary Commissioner for Administration and of the Health Services Commissioners for England, Scotland and Wales which are laid before this House, and matters in connection therewith; and the committee shall consist of eight members of whom the quorum shall be three.

(4) The Foreign Affairs Committee, the Home Affairs Committee and the Treasury and Civil Service Committee shall each have the power to appoint one sub-committee.

(5) There may be a sub-committee, drawn from the membership of two or more of the Energy, Environment, Industry and Trade, Scottish Affairs, Transport and Treasury and Civil Service Committees, set up from time to time to consider any matter affecting two or more nationalised industries.

(6) Select committees appointed under this Order shall have power-

(a) to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report from time to time;

(b) to appoint persons with technical knowledge either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference; and

(c) to report from time to time the minutes of evidence taken before sub-committees;

and the sub-committees appointed under this Order shall have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, and to adjourn from place to place, and shall have a quorum of three.

(7) Unless the House otherwise orders, all Members nominated to a committee appointed under this Order shall continue to be members of that committee for the remainder of the Parliament.

#### Welsh Affairs

86B-(1) A select committee shall be appointed, to be called the Committee on Welsh Affairs, to examine the expenditure, administration and policy of the Welsh Office and associated public bodies and the committee shall consist of a maximum of eleven members, of whom the quorum shall be three.

(2) The Committee shall have power-

(a) to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report from time to time; and

(b) to appoint persons with technical knowledge either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference.



(3) Unless the House otherwise orders, all Members nominated to the committee appointed under this Order shall continue to be members of the committee for the remainder of the Parliament.

#### Scottish Affairs

86C-(1) A select committee shall be appointed, to be called the Committee on Scottish Affairs, to examine the expenditure, administration and policy of the Scottish Office and associated public bodies; and the committee shall consist of a maximum of thirteen members, of which the quorum shall be five.

(2) The committee shall have power-

(a) to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place and to report from time to time; and

(b) to appoint persons with technical knowledge either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference.

(3) Unless the House otherwise orders, all Members nominated to the committee appointed under this Order shall continue to be members of the committee for the remainder of the Parliament.



APPENDIX B

(Paragraph 27)

EXTRACT FROM HANSARD OF 24 MAY 1979

CABINET COMMITTEES

Q7. Mr Mike Thomas asked the Prime Minister if she will now answer questions on the membership and terms of reference of cabinet committees.

The Prime Minister: I have established four standing committees of the Cabinet: a defence and oversea policy committee and an economic strategy committee, both under my chairmanship; a home and social affairs committee under the chairmanship of my right hon. Friend the Home Secretary; and a legislation committee under the chairmanship of the Lord Chancellor. Attendance at these committees will vary according to the subject under discussion. Where appropriate, sub-committees of the standing committees will be established. Membership and terms of reference of the standing committees or their sub-committees will remain confidential.





Sir Douglas Allen GCB  
Head of the Home Civil Service

APPENDIX C

Civil Service Department  
Whitehall London SW1A 2AZ  
Telephone 01-839 7733 ext 1528

19 August 1975

DISCLOSURE OF CLASSIFIED INFORMATION TO SELECT COMMITTEES

Discussions have taken place with the Chairman of the Liaison Committee of Select Committee Chairmen with the object of formalising the working conventions governing the conditions under which classified information is disclosed to Parliamentary Select Committees. Agreement has now been reached on the following rules.

- i. a. Subject to the continuance of the special arrangements for the Expenditure Committee referred to in b. below, any information classified SECRET or TOP SECRET which is disclosed should be restricted to those persons to whom the department has agreed to release it: in practice this would mean only the members of the Select Committee or of the Sub-Committee concerned and, in the case of a Sub-Committee, the Chairman of the main Committee (since, eg the Chairman of the Expenditure Committee is ex-officio a member of all the Sub-Committees). Information classified CONFIDENTIAL or RESTRICTED should be similarly restricted, except that when it has been disclosed to members of Sub-Committees it may also be made available to the main Committee concerned.
- b. Any classified information, whatever its classification, disclosed to the Expenditure Committee's Sub-Committee on Defence and External Affairs should be made available only to the members of the Sub-Committee and the Chairman of the main Committee.
- c. Notwithstanding the restrictions imposed in sub-paragraphs a. and b. above, classified information may be disclosed to Specialist Advisers who have been security cleared in accordance with arrangements agreed with the Clerk of the House.
- d. The release of TOP SECRET information under these arrangements to members of Select Committee is subject to the approval of the responsible Minister in each case.

/ii.



- ii. Classified memoranda or classified annexes to memoranda should be made available to members only during Committee or Sub-Committee meetings and on request in the Committee Office. Members should not be free to take classified documents away with them.
- iii. Classified portions or oral evidence should be sidelined by the witness in the shorthand writer's transcript and then excised by the Committee before the evidence is printed in proof form and distributed to Committee members, the full record being retained in the Committee Office for perusal there by members authorised to have access to it in accordance with paragraph i above.

2. Current guidance on this subject in Chapter 17, paragraphs 22-25\* of the Manual "Security in Government Departments" will be revised accordingly. Further guidance for Officials giving evidence to Parliamentary Select Committees was contained in a memorandum issued under cover of a CSD DEO letter dated 13 September 1972. Paragraph 9 reminds Departments that some Select Committees admit the public and press to hearings, and paragraph 24 advises on the action to be taken if an Official is asked a question in open session which he cannot answer on security or similar grounds.

3. Some Departments are already applying these rules under informal understandings with the relevant Select Committees. If your Department is not already applying the rules on an informal basis I should be grateful if you would put them into effect forthwith.

4. I am copying this letter to the Heads of Department on the attached list.

*Yours sincerely,*

*Douglas Allen*

\* Now Appendix M. The remainder of this paragraph has been superseded.

Note : References in this letter to the Expenditure Committee and its Sub-Committees should now be read as referring to the Select Committees related to Government Departments (paragraph 4 of this Memorandum). The special arrangements at paragraph 1(i)(b) of the letter are no longer applicable.





Chancellor of the Duchy of Lancaster

PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

16 June 1980

Dear Nick,

OUTSTANDING RECOMMENDATIONS OF THE PROCEDURE COMMITTEE

Thank you for your letter of 9 June, which I have discussed with the Chancellor of the Duchy. As you will know, the Government has a commitment, arising out of the Conservative Party Manifesto, to offer the House an early opportunity to decide on the proposals of the Select Committee on Procedure. Accordingly the Chancellor has asked me to arrange a series of discussions in the next week or so with a range of House of Commons interests in order to enable him to inform himself on the views of the House before he places proposals before his colleagues. He will, in these discussions, be reserving the Government's position on possible courses of action.

I am copying this letter to the recipients of yours.

Yours ever,

*Robin Birch*

R A BIRCH  
Private Secretary

Nick Sanders Esq  
Private Secretary to the Prime Minister  
10 Downing Street



NAVY COUNCIL OFFICE  
NITIBALLI, PUNJAB 141001



0961 NPL 97



0.3.74

*[Faint handwritten signature or scribble]*

FOR THE SECRETARY TO THE NAVY





Chancellor of the Duchy of Lancaster

① MAP  
② SAW HW 17m  
to see  
+PA

2pps  
PRIVY COUNCIL OFFICE  
WHITEHALL LONDON SW1A 2AT

MS  
n/6

16 June 1980

D. M. L.

#### RELEASE OF DOCUMENTS TO SELECT COMMITTEES

Thank you for your further letter of 13 May about the disclosure to the Education Select Committee of the Staff Inspection Report on the UGC.

I do not know precisely what Christopher Price has said to you or how far he has carried his Committee with him. Your Department has, however, already told him that you will provide a special memorandum summarising the background and conclusions of the staff inspection and describing the action to be taken as a result of it. It seems to me that you are under no obligation to give further consideration to any request for the production of the full text of the report until the Committee has received and considered this memorandum (obviously the sooner it can be sent the better).

If the Committee are not satisfied with the memorandum and press for the original report I suggest that you should make clear (if that be the case, as I assume it to be) that the report does not contain anything of substance that has been withheld from the Committee but that you do not think it right to make the full text available. The justification, as you say, is that the future efficient management of your Department, including relations between the management and staff, would be prejudiced if a staff inspection report, prepared on the assumption that its contents would not become general public knowledge, were to be made public. The pressures on staff inspectors to be cautious in pointing out extravagant use of manpower might well be significantly increased if they knew that their criticisms were liable to be given wide publicity. Publication might therefore make the preparation of future staff inspection reports more difficult and the reports themselves less helpful to management.

For these reasons there is a prima facie presumption that a staff inspection report should not be disclosed, but I hope we can avoid getting into a situation in which we have to distinguish in public between "categories" of document that will never be disclosed and other categories that will always be disclosed,

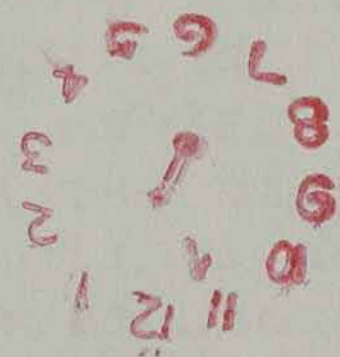


since, as I tried to suggest in my previous letter, the Minister concerned must always take an individual decision, taking account of any circumstances special to the individual case as well as the general practice of the Government. This does not mean - and here I take up not only your letter but Michael Heseltine's letter to me of 7 May - that there should be any departure from existing conventions. What I was emphasising was the personal responsibility of each Minister for a decision that he himself might need to defend on the floor of the House if any argument with a Committee got as far as that.

I very much hope, however, that your provision of a memorandum about the UGC staff inspection report will defuse the present argument.

I am copying this letter, as before, to Cabinet colleagues, to Paul Channon and to Sir Robert Armstrong.

*John A. N. C.*



ORGI NMF 21'

The Rt Hon Mark Carlisle QC MP  
Secretary of State for Education & Science  
Department of Education and Science  
Elizabeth House  
York Road





SECRETARY OF STATE  
FOR  
NORTHERN IRELAND

NORTHERN IRELAND OFFICE  
GREAT GEORGE STREET,  
LONDON SW1P 3AJ

12 June 1980

The Rt Hon Mark Carlisle QC MP  
Secretary of State for Education  
and Science  
Elizabeth House  
York Road  
London SE1

*Dear Mark,*

SELECT COMMITTEES: DISCLOSURE - COLLECTIVE MINISTERIAL  
RESPONSIBILITY

Thank you for sending me a copy of your letter of 22 May to Norman St John Stevas. I agree with your suggestion that there would be advantage in our making a short and speedy response to the First Special Report from the Education, Science and Arts Committee (HC606).

Like Norman St John Stevas, I too believe that in dealing with this and related problems that are likely to arise in future, our primary objective should be to safeguard the general principle of collective ministerial responsibility. And that this means we should stand firm on the line we have taken, and most recently made public in the revised Memorandum of Guidance for officials appearing before Select Committees. To delay in so doing is only likely to foster false hopes that we are reconsidering our position, and create still greater difficulties in future.

Copies of this letter go to the recipients of yours.

*Yours ever*

*Humphrey*

*Patience*  
*VMS*



12 JUN 1980

12 JUN 1980





'nil' return.  
Sms  
CAP 18/6.

~~No return.~~

I should be grateful if  
you would.

Mr Whitmore.

Shall I make a 'nil'  
return for us?

CAP 18/6.

HEADS OF DIVISIONS

MMJ  
16 vi

cc  
PS/Lord President  
PS/Minister of State  
PS/Permanent Secretary  
PS/2nd Permanent Secretary  
Deputy Secretaries  
Under Secretaries

ASSESSMENT OF TIME SPENT SERVING SELECT COMMITTEES

My minute of 26 February 1980 initiated a first round of collection of information within the Department on time spent servicing the Treasury and Civil Service Select Committee. Addressees may be interested to know that the results, which covered the period 17 December 1979 - 3 April 1980, suggested that the effort being put by CSD into servicing our Select Committee over that period was in aggregate roughly equivalent to a team of rather more than 5 Principals full-time.

2. My minute indicated that the exercise to assess the time spent on servicing the Select Committees, which is being undertaken by all departments, would be a continuing one. It is now expected to run until the end of the year. Annexed to this minute is a form which I hope will assist addressees and copy addressees to complete the second round of this exercise. This will cover the period to the start of the summer Recess. The form has been modified to take account of a common format for returns from departments proposed by MG. In particular, work done for any departmental Select Committee should be included; a list of these Committees is at Note 1 overleaf.

3. In carrying out this exercise, precision is not required. Clearly, it will be easier for those regularly involved in Select Committee business if they keep running tallies of their time. But rough estimates of time spent will suffice, and Divisions should not go to great trouble in pursuit of accuracy.

x | 4. I should be grateful if Heads of Divisions could return the completed form, or a nil return if appropriate, to Mr Board (Central Division) by Monday 11 August. I would also be obliged if copy addressees could use the form to estimate their own office's involvement in Select Committee work, returning the form to Mr Board by the same date.

S.K.M.

J K MOORE  
Central Division  
11 June 1980



Notes

1. The Departmental Select Committees are: Agriculture; Defence; Education, Science and the Arts; Employment; Energy; Environment; Foreign Affairs; Home Affairs; Industry and Trade; Scottish Affairs; Social Services; Transport; Treasury and Civil Service; Welsh Affairs.

2. Time spent on liaison and co-ordination should be counted, but not time spent attending hearings.

3. Time spent by secretaries and typists should be included under the heading "SEO and below, including support staff".

4. The time spent by individual officers should be totalled before being entered in the table above. Entries should be given to the nearest hour.



TPL Seen

HEADS OF DIVISIONS

cc  
PS/Lord President ✓  
PS/Minister of State  
PS/Permanent Secretary  
PS/2nd Permanent Secretary  
Deputy Secretaries  
Under Secretaries

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S.K.M.

J K MOORE  
Central Division  
11 June 1980



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4. The time spent by individual officers should be totalled before being entered in the table above. Entries should be given to the nearest hour.



## CIVIL SERVICE DEPARTMENT

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 REPORT ON TIME SPENT ON  
 DEPARTMENTAL SELECT  
 COMMITTEES' BUSINESS
 

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 8 APRIL 1980 - 8 AUGUST 1980
 

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## REPORT FOR

Office of  (Under Secretary or above)	Please use ← → one only	Division
---	-------------------------------------	----------

(to be returned to Mr D R H Board, Central Division - 1/73  
Old Admiralty Building, ext 3305 - by close of play on Monday  
11 August).

A table is provided overleaf for recording details of hours  
spent on Select Committee business.

COMMENTS

(signed) \_\_\_\_\_

(date) \_\_\_\_\_



REPORT ON TIME SPENT ON  
DEPARTMENTAL SELECT  
COMMITTEES' BUSINESS

8 APRIL 1980 - 8 AUGUST 1980

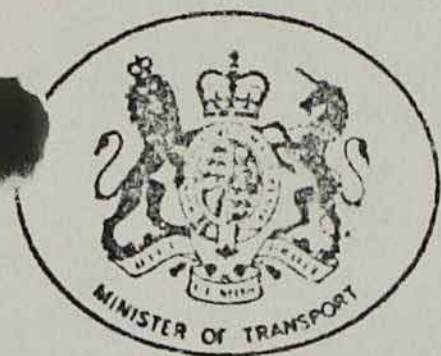
Grade/grade level	Total hours on preparation of memoranda	Total hours on briefing
US or above		
AS, SP		
Principal		
SEO and below, including support staff		

Please give details of appearances as a witness before a Departmental Select Committee:

Name of Committee	Date of hearing	Name(s) of official(s)



Parliament



DEPARTMENT OF TRANSPORT  
2 MARSHAM STREET LONDON SW1P 3EB

10 June 1980

The Rt Hon Norman St John Stevas MP  
The Chancellor of the Duchy of Lancaster  
Cabinet Office  
Whitehall  
LONDON  
SW1

NBM,

KLI

lli

Mark Carlisle wrote to you on 22 May about the criticism contained in the first special report of ESAC concerning the refusal of Government Departments to reveal details of inter-departmental consultations on policy issues.

I fully support his view that there should be a short and speedy Government response reaffirming the preservation of the collective responsibility of Ministers and the advice given to them by their Departments together with information about inter-departmental exchanges on policy schemes.

I am sending copies of this letter to Cabinet colleagues and to Sir Robert Armstrong and to Sir Ian Bancroft.

NORMAN FOWLER





114  
107  
105



11 JUN 1980





*Parliament*

2 MARSHAM STREET  
LONDON SW1P 3EB

① MAP to see

② CANI ML  
10 v

③ PA

MS 10/6

My ref: H/PSO/14401/80

Your ref: 9 June 1980

*See below*

In his letter to you of 22 May Mark Carlisle referred to the first special report of ESAC in which they had criticised the refusal of Government Departments to reveal details of interdepartmental consultations on policy issues.

I agree entirely that there should be an immediate Government response reaffirming the preservation of the collective responsibility of Ministers and maintaining the position that advice given to Ministers by their Departments, and details of interdepartmental exchanges, should not be disclosed.

Copies go to Cabinet colleagues and to Sir Robert Armstrong and to Sir Ian Bancroft.

*Go on*

*[Handwritten signature]*

MICHAEL HESELTINE



10 JUN 1960





FILE

RH

Parliament

8 June, 1980

BF 12 6. to

Outstanding Recommendations of the Procedure  
Committee

I should be grateful if you could let me know what further action, if any, the Chancellor of the Duchy now proposes to take to initiate consultations or decisions on all the outstanding recommendations of the Procedure Committee which were not dealt with last year.

U It would be helpful to have something from you during this week.

I am copying this letter to Murdo Maclean (Chief Whip's Office), John Chilcot (Home Office) and David Wright (Cabinet Office).

**N. J. SANDERS**

20.

R A Birch, Esq  
Chancellor of the Duchy of Lancaster's  
Office



CONFIDENTIAL

SIR ROBERT ARMSTRONG

SELECT COMMITTEE ON ENERGY: AGRs

The Prime Minister has seen your minute  
AO2257 of 3 June 1980.

She agrees that we should refuse the request  
from the Select Committee on Energy for a copy  
of "the recent CPRS Note or Report which reviewed  
and recommended the building of the AGRs at  
Heysham II and Torness" and she is content for  
Mr. Ibbs to write to the Clerk in the terms of  
the draft attached to your letter.

G. A. WHITMORE

4 June 1980

CONFIDENTIAL





Chancellor of the Duchy of Lancaster

Government

PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

① Clive to  
SC  
② PA  
MS

4 June 1980

Dear Pete,

THURSDAY'S DEBATE ON OVERSEAS STUDENTS' FEES

I spoke to Mary Bowden the other day about the references likely to be made in Thursday's debate on overseas students' fees to the criticisms made in the First Special Report from the ESA Committee and the Third Report from the Foreign Affairs Committee of the reluctance of Ministerial and official witnesses to provide Committees with information about the consultations that preceded the decision to increase the students' fees.

I now attach draft paragraphs which have been prepared in discussions between the Cabinet Office and CSD and agreed by the Chancellor of the Duchy, which we suggest might be used as appropriate, either by your Secretary of State when he speaks second in the debate or by Mr Marten when he winds up for the Government. I understand from the Chancellor that he does not propose to intervene in the debate.

If either your Secretary of State or Mr Marten felt the need for a briefing meeting on this particular aspect of the debate, perhaps you would get in direct touch with Wilfred Hyde of the Cabinet Office (233 8595) or Edward Osmotherly in the CSD (273 5145) who would be very ready to come to such a meeting. An explanation of why we think the argument in the First Special Report from the Education, Science and Arts Committee to be misconceived is perhaps best given in this way rather than in further written briefing material, although that can of course be provided if Ministers ask for it.

I have seen a copy of Clive Whitmore's letter of 2 June to you about the Government's reply to the Special Report, with the Prime Minister's views. We have taken account of this in the drafting of the paragraphs which I enclose, and I am copying this letter to the recipients of copies of Clive Whitmore's letter, and also to Clive Whitmore and to Susan Unsworth in Mr Neil Marten's Office.

Yours,

Robin Birch

R A BIRCH

P A Shaw Esq  
Department of Education & Science



DRAFT

1. The Government has also been criticised in the reports made to the House by two departmental Select Committees for not providing those Committees with as much information as they believed they should have been given about the way in which the Government's decision was taken. We are naturally concerned about these criticisms since, as my Right Hon. Friend the Leader of the House has made clear on many occasions, Ministers are most anxious to co-operate with the Select Committees and to provide as much information as we can to them; but, equally, as my Right Hon. Friend has also made clear, this Government, like its predecessors, attaches great importance to preserving two essential features of our system of Government. The first is that the advice given by officials to Ministers ~~must~~ remain confidential; it is for Ministers to reach decisions on the basis of that advice and answer for them in the House. I believe that the quality of the advice we receive from officials depends in part on the preservation of this confidentiality. The second principle - and this, again, is nothing new - is that the processes of consultation between Ministers and between departments on their behalf, and the level and manner in which decisions are taken, should also remain confidential. Only thus can we preserve the principle of collective ministerial responsibility to Parliament. One does not have to believe everything one reads in the Sunday newspapers to know that Ministers collectively have to decide between differing points of view and balance different considerations. They have to take difficult and sometimes unpalatable decisions and it is the key to Cabinet government that once those decisions have been taken it becomes the collective responsibility of all members of the Government to abide by them.

2. We shall, of course, provide the House as soon as we can with replies to the reports of the Select Committees and, in particular, to the first Special Report from the Education, Science and Arts Committee about the provision of information by Government departments to Select Committees. I do not therefore want to discuss the arguments in that report in detail now. I would, however, just say this: the Government believes that adherence to the two principles to



which I have just referred, and the limitations they place on the information which I and my Hon. Friends could give to the Select Committees, does not run counter to recommendation 62 in the Report of the Select Committee on Procedure. That recommendation refers in terms to the fairly narrow question of "departmental and interdepartmental organisation". That is not the same question as the maintenance of the fundamental principles of confidentiality to which I have referred. To that extent the thrust of the Select Committee's special report seem to us to be misdirected and we see nothing in our practice or in the revised version of the Memorandum of Guidance to Officials appearing before Select Committees [to which Hon. Members opposite have referred] which casts doubt on our declared intention to co-operate to make the new Committee system a success.

3. [My Right Hon. Friend the Leader of the House will, I am sure, have taken note of what has been said about the need for a debate on this Special Report. He has already indicated his intention to provide time during the present session to discuss the outstanding recommendations of the Procedure Committee's Report.]



-4 JUN 1980-  
ORIG NUM 4





PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

3 June 1980

The Rt Hon Norman St John-Stevas MP  
Chancellor of the Duchy of Lancaster  
Privy Council Office  
68 Whitehall  
London  
SW1A 2AT

✓  
MS

*Dear Norman,*

I have seen a copy of Mark Carlisle's letter to you of 22<sup>✓</sup> May about the first Special Report from the Education, Science and Arts Committee on the Provision of Information by Government Departments to Select Committees.

I entirely agree with Mark that there should be an early Government reply to the Special Report which reaffirms the position with regard to the disclosure to Select Committees of information about the nature and scope of inter-departmental consultations, as set out in paragraph 25(i) of the latest memorandum of guidance for officials appearing before Select Committees (Gen 80/38).

I am sending copies of this letter to other members of the Cabinet and to Sir Robert Armstrong and Sir Ian Bancroft.

*Yours ever,*

*Angus*

ANGUS MAUDE



12 11 10 9 8 7 6 5 4 3 2 1

F4 JUN 1980



Ref: A02257

CONFIDENTIAL

PRIME MINISTER

Select Committee on Energy: AGRs

The Select Committee on Energy have asked Mr. Ibbes to provide them with a copy of "the recent CPRS Note or Report, which reviewed and recommended the building of the AGRs at Heysham II and Torness". I think that we must refuse to meet this request, on the grounds that the Report is a Cabinet Committee document, and that it contains advice to Ministers and commercially confidential information, both of which are accepted grounds for refusal. Mr. Ibbes agrees with this view.

2. We do not need at this stage to consider how to deal with any subsequent request from the Committee for attendance of members of the CPRS as witnesses before them. Were that to arise, however, my advice would be that Ministerial permission for their attendance should be refused. It is very difficult to see how they could give evidence without indicating the advice they had given to Ministers. Nor is it possible to believe that their evidence would provide a necessary input to the Committee's work. They can get all the main facts from the Department of Energy, the Electricity Authorities, the AEA and industrial witnesses.

3. I attach a copy of the letter which, if you agree, Mr. Ibbes would send to the Clerk to the Committee.

*Agreed*

*RA*

(Robert Armstrong)

3rd June 1980

CONFIDENTIAL

*1, Prime Minister.  
Content for Mr Ibbes  
to write as proposed?  
RA  
3rd*



DRAFT LETTER FOR MR. IBBS TO SEND TO  
THE CLERK TO THE SELECT COMMITTEE ON ENERGY

Thank you for your letter of 21st May, which arrived here on 28th May, requesting "a copy of the recent CPRS Note or Report, which reviewed and recommended the building of AGRs at Heysham II and Torness".

The CPRS have published no Report on this matter. We were asked to give advice to Ministers; but that advice, like other internal advice to Ministers, is by accepted convention confidential. Our advice on this matter also contained information obtained in strict confidence from commercial concerns. For these reasons I am afraid that I cannot comply with the Committee's request.

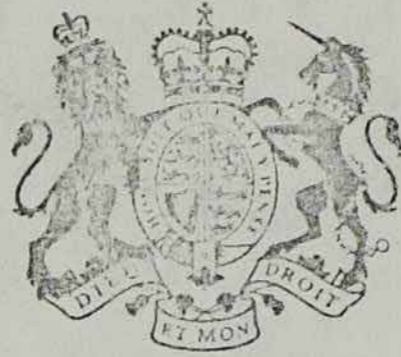




UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL

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10 DOWNING STREET

From the Principal Private Secretary

2 June 1980

Dear Peter,

The Prime Minister has seen a copy of your Secretary of State's letter of 22 May 1980 to the Chancellor of the Duchy of Lancaster about the First Special Report from the Education, Science and Arts Committee on the provision of information by Government Departments to Select Committees.

The Prime Minister agrees with Mr. Carlisle that there should be an early Government reply to the Special Report. She believes that the reply should strongly reaffirm the position with regard to the disclosure to Select Committees of information about the nature and scope of inter-departmental consultations, as set out in paragraph 25 (i) of the latest memorandum of guidance for officials appearing before Select Committees (Gen. 80/38).

I am sending copies of this letter to the Private Secretaries to other members of the Cabinet and to the Private Secretaries to Sir Robert Armstrong and Sir Ian Bancroft.

Yours sincerely,

Alma Whitmore.

Peter Shaw, Esq.,  
Department of Education and Science.

259





Parliament.

1 MAP to see

2 PA  
ms

Treasury Chambers, Parliament Street, SW1P 3AG  
01-233 3000

30 May 1980

The Rt. Hon. Norman St. John-Stevas, MP  
Chancellor of the Duchy of Lancaster

*Norman*

I have seen Mark Carlisle's letter to you of 13th May 1980, about the release of the staff inspection report on the UGC. I agree that it is most important that we should maintain a consistent line on the disclosure of documents to Select Committees. The Committees would be likely, through the Liaison Committee if not otherwise, to pick up and exploit any differences of practice. In this case, I agree that the report should not be released. Not only does it constitute officials' advice to Ministers; release would also prejudice efficient management.

I am copying this letter to the recipients of yours.

*G*  
*Howe*

GEOFFREY HOWE



1-2 JUN 1980





PRIME MINISTER

The attached letter from Mr. Carlisle to Mr. St. John Stevas (Flag A) about the First Special Report from the Education, Science and Arts Committee needs to be dealt with urgently because Mr. Christopher Price intends to raise the question of the refusal of Government witnesses to give evidence about the consultations between the DES and the FCO on the proposal to charge overseas students full fees in the course of the Debate next Thursday on overseas students' fees.

Mr. Carlisle is proposing that the Government should take a robust line on the fundamental issue of refusing to reveal the nature and scope of inter-departmental consultations and to reassert the principle of collective Ministerial responsibility in the terms set out in the latest memorandum of guidance for officials appearing before Select Committees (see X of his letter).

Mr. St. John Stevas is being advised to reply to Mr. Carlisle agreeing with the line he proposes to take in dealing with the Select Committee's Report. I attach at Flag B the draft letter which he is being recommended to send to Mr. Carlisle.

Do you agree that the Government should stand firm on this issue, as Mr. Carlisle proposes?

Yes - very much so.  
mt.  
JAN.

29 May 1980



MR BIRCH

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Letter from the Secretary of State for Education and Science on the  
First Special Report from the Education, Science and Arts Committee

1. The Secretary of State's letter of 22 March to the Chancellor of the Duchy needs an early answer in view of the debate next Thursday, 5 June on overseas students' fees.
2. You told me that Mr Christopher Price intends to raise the question during the debate of the refusal of Government witnesses to give evidence on the consultations which <sup>did or</sup> did not take place between the Department of Education and the Foreign and Commonwealth Office, on the proposal to charge overseas students full fees. The refusal of Ministers and officials to give evidence on that subject is well precedented and is covered in the Memorandum of Guidance to Officials, which was recently promulgated (as indeed it was) in the previously circulated version.)
3. Reference was made in the Procedure Committee's report (Recommendation 62) to the provision of information about interdepartmental organisation. The recommendation itself reads "62. Select Committees should regard any refusal by Government Departments to provide information relating to Departmental or interdepartmental organisation - unless fully explained and justified to their satisfaction - as a matter of serious concern, which should be brought to the attention of the House (paragraph 7.15)".
4. Paragraph 7.15 acknowledges the long-standing convention which prevents the disclosure of the existence etc of Cabinet Committees; and the long-standing practice of Ministers to refuse to answer questions in the House about discussions between Ministers or between Ministers and their official advisers, or the proceedings of the Cabinet or Cabinet Committees. The report goes on to say "We are disturbed, however, by the extension of these conventions to all questions of Departmental or interdepartmental organisation which .....would debar members of Committees from access to information about the organisation of the Government service which is essential for any attempt properly to scrutinise the administration and expenditure of Government Departments. We recommend that Select Committees should regard any refusal to provide information of this kind - unless fully and adequately explained by Ministers and justified to the satisfaction of the Committee concerned - as a matter of serious concern, which should be brought to the attention of the House."



5. It would seem that the Education, Science and Arts Committee have taken issue, not so much on the extension of the convention, as on the "long-standing practice" of Ministers to refuse to answer about its interdepartmental discussions. They have followed the spirit of the Procedure Committee in bringing their concern to the attention of the House.

6. Recommendation 62 was not overtly discussed in the debate in June 1979. Indeed, it hardly requires discussion, since Select Committees are free to report in the sense recommended. If, however, there is a demand for discussion, it would be necessary to see whether it could be fitted in to the further debate on Procedure before the Summer Recess.

7. I attach a draft reply for the Chancellor of the Duchy to send to the Secretary of State and to Cabinet colleagues.

P J HARROP

29 May 1980



DRAFT LETTER FOR THE CHANCELLOR OF THE DUCHY OF LANCASTER TO SEND TO  
THE SECRETARY OF STATE FOR EDUCATION AND SCIENCE

Thank you for your letter of 22 March about the First Special Report from the Education, Science and Arts Committee on the provision of information by Government Departments to Select Committees. I agree with you that there should be an early Government response to the Special Report, re-affirming our position. I should be grateful if you would arrange for a short draft to be circulated as soon as possible for consideration by those most immediately concerned.

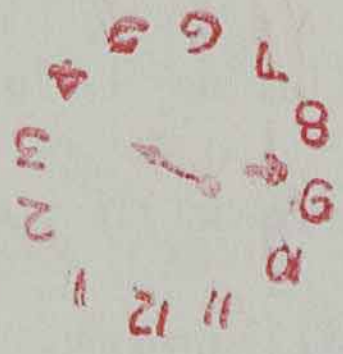
The matter may, of course, be raised during the debate on the fees for overseas students. If that is the case, I think it would be right for the Minister replying to the debate to deal briefly with the point - again on the general lines set out in the Memorandum of Guidance for officials.

If there is a demand in the House for a more wide-ranging discussion of Recommendation 62, we shall have to consider how that might best be handled in the context of the outstanding recommendations of the Procedure Committee's report.

I hope to let you have a reply to your other letter about the disclosure of documents shortly.

I am copying this letter to Cabinet colleagues, to Sir Robert Armstrong and to Sir Ian Bancroft.





29 MAY 1980



Paterson ✓  
MS

Y SWYDDFA GYMREIG

GWYDYR HOUSE

WHITEHALL LONDON SW1A 2ER

Tel. 01-233 3000 (Switsfwrdd)  
01-233 6106 (Llinell Union)



WELSH OFFICE

GWYDYR HOUSE

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01-233 6106 (Direct Line)

Oddi wrth Ysgrifennydd Gwladol Cymru

The Rt Hon Nicholas Edwards MP

From The Secretary of State for Wales

29 May 1980

De Naha

SELECT COMMITTEES

Thank you for the copy of your letter of 30 April to Willie Whitelaw with which you enclosed the draft Memorandum of Guidance for Ministers. I have no points to raise on the draft.

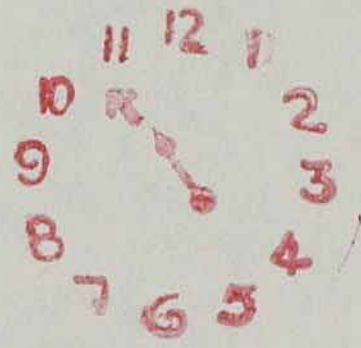
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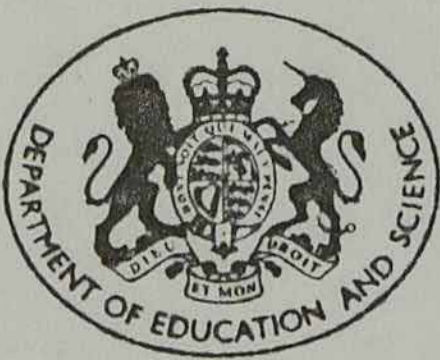
The Rt Hon Norman St John Stevas MP  
Chancellor of the Duchy of Lancaster  
Cabinet Office  
Whitehall  
LONDON SW1



30 MAY 1980







ELIZABETH HOUSE,  
YORK ROAD,  
LONDON SE1 7PH  
01-928 9222

FROM THE SECRETARY OF STATE

The Rt Hon Norman St John Stevas MP  
Chancellor of the Duchy of Lancaster  
Cabinet Office  
Whitehall  
LONDON SW1

22 May 1980

*attached*

You will have seen the First Special Report from the Education, Science and Arts Committee (ESAC) on the Provision of Information by Government Departments to Select Committees (HC 606), which criticises the refusal of Government Departments to reveal details of inter-departmental consultations on policy issues.

It is of course relevant that this Report appeared simultaneously with two others, one from the Education, Science and Arts Committee, the second from the Overseas Development Sub-Committee of the Foreign Affairs Committee, both dealing with the Government's decision to introduce full cost fees for Overseas Students. Both reports deplore the refusal by Ministers and officials to reveal the nature and scope of inter-departmental consultation on this matter, and the extent to which educational criteria on the one hand, or considerations relating to overseas policy on the other, entered into the process of decision-making. In their Special Report the Education, Science and Arts Committee mention this specific instance, though they seek to broaden the issue to cover all the information which is available to a Department in formulating its decisions.

You will remember that I raised with you this very question in the correspondence which I initiated on 22 February, when Dr Boyson and my officials had been invited to appear before the Overseas Development Sub-Committee. You indicated then, and it was generally agreed I think by all of us who took part in the correspondence, that Select Committees should not be given information about the background to a Government decision which might indicate the details of advice given to Ministers by their Departments or show the way in which interdepartmental discussions on policy issues took place. "Our primary objective" you wrote "must be to preserve the general principles of collective responsibility".

I am sure that this remains the real issue. The Select Committees (both of them at different times) have tried to fog this issue by quoting Recommendation 62 of the First Report from the Procedure Committee of Session 1977-78. In paragraph 7.15 of that Report, on which recommendation 62 was based, the Procedure Committee did



not call into question the longstanding practice of Ministers to refuse to answer questions in the House concerning discussions between Ministers or between Ministers and their official advisers or the proceedings of the Cabinet or Cabinet Committees. However, they went on to recommend that any extension of these conventions to "all aspects of departmental or interdepartmental organisation" should be regarded by Select Committees as a matter for serious concern which should be brought to the attention of the House. I conclude that their recommendation 62 refers exclusively to matters of organisation and structure rather than to consultation and advice. The ESAC Report seems deliberately to seek to confuse the two in the hope of adding to the pressures for greater disclosure.

This technicality may have a bearing on how we deal with the Report. What the Committee recommend is that the House be given an early opportunity to approve Recommendation 62 of the Procedure Committee's Report. If I am right this would not bite on our refusal to divulge details about the advice available to Ministers. But I myself do not think that we should try to shelter behind such a technicality. Whether or not the House debates Recommendation 62, I believe that we shall find ourselves defending the principle of collective Ministerial responsibility, and I think there would be a lot to be said for a short and speedy Government response to the Special Report which reaffirms the position most recently set out in paragraph 25(i) of the latest memorandum of guidance for officials appearing before Select Committees (Gen 80/38) - an earlier version of which was seen by the Procedure Committee and found to be unexceptionable:

"In order to preserve the collective responsibility of Ministers, the advice given to Ministers by their Departments should not be disclosed, nor should information about inter-departmental exchanges on policy issues, about the level at which decisions were taken or the manner in which a Minister has consulted his colleagues."

As you know this is not the only issue which faces us with the Select Committee. There is also the question of the disclosure of documents, and other questions may arise later. We have the choice of either replying to specific complaints as they arise (for example on this question of information about interdepartmental consultation) or waiting until we can put in a measured reply on a number of points.

I should be grateful for your views and those of my Cabinet colleagues, to whom (and to Sir Robert Armstrong and to Sir Ian Bancroft) I am sending copies of this letter.

MARK CARLISLE  
Approved by the  
Secretary of State  
and signed in his  
absence



21 MAY 1960

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PA 35

THE RT. HON. NORMAN ST. JOHN STEVAS INTERVIEWED ON WORLD AT ONE  
ABOUT OFFICIALS APPEARING BEFORE SELECT COMMITTEES, 22 MAY 1980

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Q. Mr. St. John Stevas, is there a danger that these Civil Service rules could emasculate these new watchdog committees of yours?

Mr. St. John Stevas: No, I don't think so. What one has got to remember first of all is the general context in which they are operating in that quotation which you referred to that it is the duty of civil servants to be as helpful as possible and that entirely reflects my views. Secondly, I think what you've got to remember is that civil servants are responsible for Ministers. They mustn't land their Ministers in the cart, they mustn't go further than their Ministers would like and that behind the civil servants there is the Minister and he can decide himself what questions what documents should be made available in the last resort.

Q. Doesn't that limit the effectiveness of the committees because they may well want to land Ministers in the cart in the public interest?

Mr. St. John Stevas: Well, there is always I suppose a tension but when I introduced these committees, vitally important committees they are, I did give the House a pledge on the part of the Government that every Minister from the most senior Cabinet Minister down to the most junior Under-Secretary would do all in his or her power to cooperate with the new system of committees and make it a success, And that is what they have been doing.

Q. But have these Civil Service rules been revised sufficiently to meet the spirit of this major constitutional change which you have played such a large part in introducing, namely these vitally important committees.

Mr. St. John Stevas: Yes, I think they have. First of all, as you say of course they are not new. These rules date back to the previous Government and indeed beyond that. But I have had



them factually dated. There are various changes that have been put in that arise directly from the Procedure Committees' reports. They are considerably less restrictive ....

Q: Can you give me one illustration of how they are more liberal and less restrictive?

Mr. St. John Stevas: Well, there is more information, for example, given on the organisation of the Government's service. There is more freedom with memoranda submitted to committees by Departments and perhaps the most important thing of all is that the Government departments must normally publish their observations on Select Committee reports in two months. That's vitally important because otherwise the thing could moulder for literally years in a Government department.

Q: Now this guidance that information may be withheld if that is necessary in the interests of good government. Is that not dangerously wide because according to the document this would cover policy discussions between departments, civil servants advice to Ministers and the level at which decisions are taken and so on?

Mr. St. John Stevas: Well, no Government has ever given details of Ministerial consultations, and if advice is to be given within a department, of course it has to be generally protected, but in the last resort it is up to the Minister to decide. Remember, that Ministers comes before these committees and they are the people who are cross-examined, they bear the responsibility and they are not restricted in the way civil servants are.

Q: The Civil Service document also says that the need to protect the interests of good government could preclude answers to questions in the field of political controversy. Is not every Commons committee working in the field of political controversy?

Mr. St. John Stevas: I think that is so, but of course civil servants, by our conventions, are not. The political responsibility is the Minister. He's entitled to give politically controversial



or anodine answers if he wishes. But it would be wrong I think to attempt to involve civil servants in what is purely a political controversy.

Finally,  
Q: / despite your answers, may not many Members of Parliament, including some of your own backbenchers, see this Civil Service document as a kind of rearguard action with Government approval by the Civil Service to prevent these new watchdog committees from getting their teeth into Government operations?

Mr. St. John Stevas: Well, I hope they won't see them as that. Some may do. But perhaps they will have had the good fortune to listen to your incisive questioning of me and they will know that this is a false impression.

Q: I am greatly obliged to you, Mr. St. John Stevas. Good afternoon.

Mr. St. John Stevas: Good afternoon.





PA  
LCF file)  
MS

with compliments

Keith Miller  
22/5

Private Secretary to  
CHANCELLOR OF THE DUCHY OF LANCASTER  
68 Whitehall London SW1A 2AS  
Telephone 01-233-7113





Chancellor

cc: Mr Hyde  
JWS

ADVICE TO CIVIL SERVANTS APPEARING BEFORE SELECT COMMITTEES

You are being interviewed by the BBC at lunchtime today, and this question is likely to surface during questions on the Business Statement this afternoon.

I attach as Annex A some brief notes provided by Mr Hyde which will enable you to put as positive an aspect on this question as is practicable; for this purpose you may also find useful the sidelined passages in the attached briefing material originally provided by the CSD on this subject, and the Hansard references which are copied at the rear of that brief.

The main points apparent in the CSD briefing to which you may like to draw attention are that officials must know the extent of their duty to Ministers in the provision of information to Parliament, over and above the general duty (which is fundamental) to be as helpful as possible; and it is necessary to avoid making over-rigid general rules about the disclosure of internal working documents. Much must turn on the subject-matter in question and Ministers have to be free to decide whether or not, in their judgement, the wider public interest is served by disclosure. Where a particular document cannot be disclosed as it stands, it is always possible to try to meet the request in another way, for example by the preparation of a document specially drafted for the information of the Committee, in which as much as possible can be disclosed.

We do not have in the office a copy of the First Special Report of the Science and Arts Committee on the provision of information to select committees, but Mr Carlisle's office is providing us with this. If at Business Questions you are pressed for an early opportunity for the House to debate this, the advice is that you say that this has been received and that the Government are studying it.

RAB

22 May 1980



1. Not new - earlier document published with report of  
Procedure Committee
2. Document was of course issued with Ministerial approval. I  
sent copies to the Chairmen of the Select Committees.
3. Restrictions imposed on officials are primarily those  
needed to preserve collective Ministerial responsibility.
4. Experience this year shows that Committees can and do  
question Ministers as well as officials. It is for Ministers  
to defend refusal to answer particular questions.
5. No Government has ever given details of Ministerial  
consultations.
6. This Government practice shows its openness to select  
committee requests.



1. This new Memorandum is very substantially based on that issued in 1976 by the previous Administration, and published by the Procedure Committee as an appendix to their First Report for 1977-78.

2. The Committee commented (paragraph 7.13),

"We did not feel that the circulation to civil servants of a document of this kind was in itself a matter for concern, so long as its status and implications were clearly understood. Civil Servants give evidence on behalf of Ministers, and Ministers may well feel it desirable to inform their officials about the workings of select committees and to explain to officials their policy towards the provision of information to Parliament"

This is also the view of the present Administration.

3. By its very nature, quite a lot of the Memorandum has to be taken up with matters on which officials are advised to be less forthcoming than Select Committees may sometimes wish. But the Procedure Committee observed,

"There is a welcome emphasis in the Memorandum of Guidance on the "duty of officials to be as helpful as possible" and on the final responsibility of Ministers to determine what information should be made available to committees".

They also noted (paragraph 7.12) that for the most part the matters which officials should avoid giving evidence about or discussing ~~with them without their permission~~ were similar to those referred to by Mr Crossman in his letter to Select Committee Chairman in 1967 (published on page 29 of the Procedure Committee's report).



4. The Procedure Committee did go on, however, to make certain specific criticisms of the Memorandum. We believe we have adequately met these in the new version.

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5. The main differences are:

First, factual updating. Paragraphs 4-5 and Appendix A (about the present Committee structure) are obviously new. So is Appendix B (The Prime Minister's statement about Cabinet Committees). There are a number of lesser and consequential changes.

Second, changes derived directly or semi-directly from the Procedure Committee's report. Paragraphs 6-9 have been revised to summarise what we understand to be the relevant powers of Select Committees and to offer guidance to departments in the light of those powers.

Three changes stem directly from Procedure Committee recommendations:

(a) Recommendation 62 criticised the rather restrictive line on disclosure of information about the organisation of the Government service. Paragraph ~~37~~<sup>37/67</sup> of the new Memorandum ~~tries~~<sup>tries</sup> to deal with this in a more forthcoming way.

(b) Recommendation 63 proposed that all memoranda submitted to Committees by departments and public organisations should contain a statement of the persons and organisations who have been consulted. Paragraph 50 (last 3 lines) covers this



(c) Recommendation 45 proposed that Government Departments should normally publish their observations on Select Committee reports within two months. Paragraphs 57-58 ask departments to do their best to meet this timetable.

There are a few smaller changes; for example references to refusing Committees' requests for attendance of officials have been removed. One such was at the end of paragraph 20 of the old Memorandum: compare paragraph 28 of the new.

Third, editing, clarifications and corrections. If the Committee see differences which do not seem to fall under any of these heads, I shall be happy to try to account for them.

6. Finally, just two general observations. First, I would remind the Committee of what the Chancellor of the Duchy and I said ~~in June 1979~~ in June 1979 about the Government's intention to be as helpful as possible in providing information to Parliament and to Select Committees [Hansard extracts attached]. I believe there is nothing in the Memorandum which conflicts with this policy. The Committee may wish to look carefully at paragraph 25 (on the matters on which officials should not, or should not normally, give evidence). But I think these are all matters on which there are well understood conventions.

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7. Secondly, this is a memorandum of guidance. It is no more than that. Some consistency is obviously necessary, but it is for the responsible Ministers in individual departments to apply it.

8. I shall be happy to try to deal with the Committee's



2. WHY THE FOLLOWING CHANGES FROM THE 1976 MEMORANDUM?

[these are the sensitive ones]

Paragraph 1 - this now refers to "the special position of the Accounting Officer". The 1976 version had, "the Public Accounts Committee, to whom the Accounting Officer has personal responsibilities".

It is something of an over-simplification to say that Accounting Officers have personal responsibilities to the PAC. The Memorandum is not the place to go into this. ~~But~~ It <sup>simply</sup> reminds departments that there are certain special factors in the case of the PAC.

Paragraph 14 - this now refers to giving notice of impending Ministerial statements on matters "relevant to specific enquiries which Committees are currently undertaking". The 1976 version had, "enquiries being undertaken by Committees or which they are about to undertake".

<sup>broadly</sup>  
This/maintains the status quo. The very wide terms of reference of the new Committees mean that there are virtually no limits to enquiries which they are about to undertake. But there is nothing in the Memorandum to prevent departments from widening the application of this paragraph if they think it in the interests of good relations with their Committees.

Paragraph 25(v) - this has been extended to commercial and economic information, "eg knowledge which could affect the financial markets", and to "sensitive information relating to the commercial operations of nationalised industries".

This is consequential on the setting up of the new Committees with a very wide remit. Obviously, officials will need to be careful about handling sensitive commercial and economic information. But this is in no sense an invitation to



departments to withhold commercial and economic information unnecessarily.

Paragraph 25 - omission. Paragraph 21(viii) and 29 of the 1976 Memorandum broadly excluded discussion by Select Committees of legislative proposals. Does this mean that the Government welcome discussion by Committees of these matters?

No: there are no such implications. The extent, if any, to which Select Committees can usefully discuss future legislation is ~~in the hands of~~ <sup>a matter</sup> for the Chancellor of the Duchy rather than me. But it was felt that this question was outside the scope of the Memorandum and that it was best simply to leave out the earlier passages.

Paragraph 38 - this has been substantially revised. Does it announce any new doctrine? In particular, does it imply that "internal working papers" should never be disclosed?

I do not think this contains anything new. It combines and replaces paragraph 33 and 34 of the 1976 Memorandum, and uses the same terms. The Procedure Committee did not criticise these paragraphs, though they did criticise the withholding of information about matters of organisation, and this is dealt with in paragraph 37. [See also ~~Appendix~~ <sup>Questioning</sup> No. 6.]

Paragraph 39 - this now says, as the 1976 Memorandum did not, that documents of a former Administration should not as a general rule be disclosed.

This is new. <sup>Put,</sup> like Appendix B, it brings up to date the Government's ~~stance~~ <sup>position</sup> on a matter of policy. The Prime Minister's view was set out in a letter to Mr Alf Morris, and this received some publicity in the Press. This is not, therefore, the first time it has appeared.



3. OTHER PARTICULAR CHANGES?

Perhaps my officials can help here.

4. WHEN WAS GUIDANCE OF THIS KIND FIRST ISSUED?

The 1976 Memorandum replaced one - substantially similar - issued in 1972, during Mr Heath's Administration. I cannot answer on behalf of earlier Administrations.

5. DO MINISTERS/OFFICIALS CONFER WITH EACH OTHER ABOUT PARTICULAR SELECT COMMITTEE REQUESTS?

Certainly, where the request seems to raise novel issues and consistency seems desirable. Usually these exchanges result in the Committee receiving the information requested.



6. WHAT IS THE GOVERNMENT'S POLICY ON DISCLOSURE OF INTERNAL WORKING PAPERS/ INTERNAL MANAGEMENT DOCUMENTS?

It is not possible to lay down comprehensive rules in a Memorandum of this kind. We could not say that such documents should never be disclosed, because this is patently untrue. Equally we could not say that such documents should always be disclosed (subject to considerations of national security). Some record discussions between Ministers, or between Ministers and their officials, and there are well recognised conventions preventing their disclosure. Others deal with sensitive matters, for example personnel questions or references to individual officials, which no <sup>organisation</sup> ~~organisation~~ could disclose without peril to its efficient <sup>operation.</sup> ~~organisation.~~ There must be some things on which people need to speak ~~frankly~~ frankly, in the full confidence that their trust will be honoured. The Government is no exception.

[It is interesting to see (paragraph 7.12 of the Procedure Committee's report) the words with which the previous Administration handed over the 1976 Memorandum. They said, "it has not been the practice to offer such an internal working document, as it stands, in evidence to a Select Committee", and that the Memorandum was sent "without prejudice to the existing practice on the disclosure of internal documents". I cannot, of course, say what our predecessor's practice was. But they evidently had one. And the Procedure Committee did not criticise them for it.]



Perhaps I could make two general points. First, it is the responsibility of the Minister concerned to decide whether a particular document should be given to a Committee, subject to the overriding rules about security and protection of advice to Ministers. Second, where a department indicates that it has difficulty in giving a Committee a particular document, it will be entirely in order for the Committee to ask for a memorandum giving as much information as possible, including background, analysis, and any decisions taken. I am confident that departments will play fair with Select Committees in complying with such requests.

ARE THERE ANY CATEGORIES OF DOCUMENT WHICH WILL ALWAYS BE DISCLOSED/WITHHELD?

I do not think it would be profitable to try to categorise Government papers in this way.

WILL AMENDMENTS TO THE MEMORANDUM BE PUBLICLY AVAILABLE?

Yes, unless they are ephemeral or for any other reason are unlikely to be of interest outside the Government service.



[Mr. St. John-Stevas.]  
out in these areas. I hope that that is precisely the sort of work that will be done, taken up and continued where appropriate by the proposed new Select Committee on Education, Science and Arts.

I pay tribute to the excellent work done by all these Committees over the years. I am confident that their work can be carried forward under the new structure and that those hon. Members, like the hon. Gentleman, who have served on Committees with such distinction will be able to make an equal contribution as members of the new Committees. Where work is left unfinished, means will be found to ensure that it will be carried to a conclusion.

I must make it clear that the Government's view is that the existing subject Committees cannot continue in parallel with a new structure of departmentally related Committees without creating unacceptable confusion, duplication of effort and unnecessary cost. The abolition of the existing Committees must be a necessary corollary to the acceptance of the new structure.

Even with the abolition of the old Committees, we must not underestimate the effort that the new structure will involve. That is why the Government are proposing a closer restriction than the Procedure Committee had in mind on the powers of Select Committees to appoint investigative Sub-Committees.

Our motion provides for the appointment of a joint Sub-Committee on the nationalised industries. We recognise that the Select Committees on Foreign Affairs, Home Affairs and the Treasury and Civil Service all have a wide field to cover. They may find it convenient to appoint Sub-Committees to deal with particular subjects, such as overseas development and race relations and immigration, or with the Civil Service Department. But, of course, the Committees themselves will decide the allocation of their resources. We propose that the powers to appoint Sub-Committees of the Foreign Affairs, the Home Affairs and the Treasury and Civil Service Committees should be limited to a single Sub-Committee of each Committee rather than two.

The objective of the new Committee structure will be to strengthen the accountability of Ministers to the House for the discharge of their responsibilities. Each Committee will be able to examine the whole range of activity for which its Minister or Ministers have direct responsibility. The Government also accept the Procedure Committee's view that the Committees must be able to look at the activities of some public bodies that exercise authority of their own and over which Ministers do not have the same direct authority as they have over their own Departments. The test in every case will be whether there is a significant degree of ministerial responsibility for the body concerned.

Mr. Eric S. Hoffer (Liverpool, Walton): Does that mean that the Committees established will be able to call not only the civil servants but Ministers without their being able to avoid appearing before the Committee for interrogation and discussion?

Mr. St. John-Stevas: The responsibility of the Committees and their capacity to call Ministers, civil servants, and members of those bodies are not mutually exclusive. It will be within the scope of the Committees to call before them members of these bodies.

I come to the question of powers. The Procedure Committee recommended that Select Committees should be empowered to order the attendance of Ministers to give evidence, and to order the production of papers and records by Ministers. In the event of a refusal by a Minister to produce papers and records, the Committee should be empowered to claim precedence over public business for a debate on a motion for an address or for an order for the return of papers, unless time is provided by the Government by the sixth day after the first appearance of the motion.

I have two comments to make. First, the power to order any Members of the House to attend before a Select Committee, be he a Minister or not, is a power that constitutionally strictly belongs to the House and not to a Committee. Secondly, the Procedure Committee itself concedes that formal powers on these matters have had to be exercised only on rare occasions.



There are some specific criticisms of the Select Committee's proposals in this regard. First, it is not appropriate for a Select Committee to order about Members of the House. A Minister must be free to decline if he is not the Minister responsible for the matter that is to be discussed, or if it is clear that he will not be able to answer questions put to him.

Secondly, we do not consider that a Select Committee should be entitled to claim automatic precedence for a debate on a failure to produce information unless the matter has been shown to be one that is of general concern to the House as a whole.

More generally, however, we are concerned here with matters that will be essentially questions of judgment. Inevitably there will be occasions when Ministers will have to decide that it would not be in the public interest to answer certain questions or to disclose information. There are conventions governing these matters that the House has accepted over a long period and that the Government will respect. They are dealt with in the Procedure Committee's report, and the Committee for the most part was satisfied with them.

The Government will make available to Select Committees as much information as possible, including confidential information for which, of course, protection may have to be sought by means of the sidelining procedure. There may also from time to time be issues on which a Minister does not feel able to give a Select Committee as much information as it would like. But on these occasions Ministers will explain the reasons for which information has to be withheld. There need be no fear that departmental Ministers will refuse to attend Committees to answer questions about their Departments or that they will not make every effort to ensure that the fullest possible information is made available to them.

I give the House the pledge on the part of the Government that every Minister from the most senior Cabinet Minister to the most junior Under-Secretary will do all in his or her power to co-operate with the new system of Committees and to make it a success. I believe that declaration of intent to be a better guaran-

tee than formal provisions laid down in Standing Orders.

Mr. Eldon Griffiths (Bury St. Edmunds): Is my right hon. Friend saying that an undertaking given from the Dispatch Box by, dare I say, a finite Minister on behalf of a Government who I wish to go on for ever but who may not be of equal value to a provision enshrined in legislation or the procedures of this House? I cannot believe that an affirmation from the Dispatch Box resembles even remotely the authority of a decision of this House.

Mr. George Cunningham (Islington, South and Finsbury): That is why the right hon. Gentleman is doing it.

Mr. St. John-Stevas: That remark is not worthy of the hon. Member for Islington, South and Finsbury (Mr. Cunningham). I am saying that in these matters the practice of the House and the attitude of the Government are as important as and possibly more important than any formal guarantee. I might add to my hon. Friend the Member for Bury St. Edmunds (Mr. Griffiths) that, finite or infinite, temporal or eternal, it is the intention of this Government during their period of office to co-operate with these Committees. I believe that if a practice of that kind is established it will endure beyond the limited life of a Government.

If a Committee found itself in difficulty and if that difficulty became a matter of serious concern to the House as a whole, it would be the Government's wish that the House should have an early opportunity to debate it on the Floor, and I am sure that the Minister concerned would welcome that opportunity as a means of explaining his position and of seeking the co-operation of the House in resolving the difficulty and avoiding its recurrence. That again is a pledge that goes further than any pledge given on this matter from this Dispatch Box.

I throw in for good measure that if experience shows that more formal powers are needed for Committees to enforce their wishes—if the worst fears of my hon. Friend the Member for Bury St. Edmunds are fulfilled—the question of additional powers can be considered at that stage. But we do not consider that the case has so far been established



Parliament

CONFIDENTIAL



Foreign and Commonwealth Office

London SW1A 2AH

V  
MS

22 May 1980

Dear Sanders,

I apologise for the delay in replying to your letter of 25 April about the provision of Country Assessment Papers (CAPs) to the Select Committee on Foreign Affairs (FAC). We had been looking at the Prime Minister's comments, together with those of other departments. But in fact, I think we can respond to the Prime Minister's suggestions quite simply.

Mr Blaker had decided, subject to the views of other Ministers, that the FCO should make available to the FAC up-to-date (and desensitised) CAPs on request. In the normal course of events they are revised every three years (they are a basic document for the FCO Inspectors who visit overseas posts roughly every three years). As CAPs come up for revision they are now being put in a form suitable for handing over to the FAC. The papers for the FAC will be the same as those used in the Service. There will be no problem of censored documents. All this is therefore already in line with the Prime Minister's views.

In addition, the Prime Minister has suggested sending CAPs to the FAC as and when they are revised. Hitherto, we have supplied revised papers only on request. We believe the FAC are satisfied with this arrangement. Mr Blaker doubts if they would wish to receive piecemeal, CAPs dealing with countries that are not the subject of current enquiry. If, for example, we were to revise our CAP on Brazil next month, while the FAC only turned their attention to the country in eight months' time, we would have to update it again. Unless I hear from you (or those to whom I am copying this letter) to the contrary we will continue to supply revised CAPs to the Committee on request.

/I am

CONFIDENTIAL



CONFIDENTIAL



I am sending copies of this letter to the Private Secretaries to members of the Cabinet and Mr Channon and to David Wright (Cabinet Office).

*Yours ever,*

*C A Munro*

C A Munro  
PS/Mr Blaker

N J Sanders Esq  
No 10 Downing Street





23 MAY 1980

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10 11 12 1





Minister of State

The Rt Hon George Younger TD MP  
Secretary of State  
Scottish Office  
Dover House  
Whitehall  
LONDON SW1A 2AU

*Parliament*

Civil Service Department  
Whitehall London SW1A 2AZ  
Telephone 01-273 3000

*VMS*

20 May 1980

*Dear George.*

SELECT COMMITTEES: DISCLOSURE OF DOCUMENTS

Thank you for your letter of 14 March about the request from the Chairman of the PAC for a copy of your Department's report on financial assistance to crofters in the Highlands and Islands. By now, you will have seen a copy of Norman St John-Stevas' letter to me of 23 April. In all the particular circumstances, I can see no reason why the report on crofters should not be made available to the PAC.

There is one further point. I believe it is not your intention to publish the report but only to make it available to the PAC. If it is given to the PAC, it could well end up being published unless you were specifically to request, and the Committee agreed, that it should not be. So long as there are good reasons for keeping the report unpublished, it seems likely that the Committee would respond sympathetically to your request.

You also asked the general question whether I consider that requests from the PAC and the new Departmental Select Committees should be treated alike. I would have thought this was the right course.

I am copying this letter to members of the Cabinet and Norman Fowler, and to Sir Robert Armstrong.

PAUL CHANNON

*Y  
Paul*





21 MAY 1980



Prime Minister.

These two Reports are  
short and worth a glance,  
especially the ~~Second~~ First.

TKH

20.V.80.

Education, Science and Arts Committee

The enclosed two Reports were made to the House today,  
Tuesday, 20th May, and are being made available to Members  
in the Vote Office in typescript form.

1. First Special Report: The Provision of Information  
by Government Departments to Select Committees. HC 606
2. Second Report: The British Library. HC 607

20th May, 1980

T W Keeble  
Clerk to the Committee.



HOUSE OF COMMONS  
Special <sup>First</sup> Report from the  
EDUCATION,  
SCIENCE AND ARTS  
COMMITTEE

Session 1979-80

THE PROVISION OF INFORMATION  
BY GOVERNMENT DEPARTMENTS  
TO SELECT COMMITTEES

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*Ordered by The House of Commons to be printed*

*15 May 1980*

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*To be published later by*

HER MAJESTY'S STATIONERY OFFICE

HC 606



The Education, Science and Arts Committee is appointed under SO No 86A to examine the expenditure, administrations and policy of the Department of Education and Science and associated public bodies and similar matters within the responsibilities of the Secretary of State for Northern Ireland.

The Committee consists of nine Members, of whom the quorum is three. Unless the House otherwise orders, all Members nominated to the Committee continue to be members of it for the remainder of the Parliament.

The Committee has power:

- (a) to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report from time to time;
- (b) to appoint persons with technical knowledge either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference.

The following were members of the Committee during the present inquiry:

Mr Christopher Price (Chairman)

Mr Tim Brinton	Mr John McWilliam
Mr Patrick Cormack	Mr John Osborn
Mr Harry Greenway	Mr Dafydd Thomas
Mr David Madel	Mr Stan Thorne



FIRST SPECIAL REPORT FROM THE EDUCATION, SCIENCE AND ARTS  
COMMITTEE

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The Education, Science and Arts Committee have agreed to the following Special Report:-

The Provision of Information by Government Departments to Select Committees

1. In the course of their continuing inquiry into the Funding and Organisation of Courses in Higher Education, and in the preparation of their Interim Report into overseas student fees,<sup>1</sup> your Committee have had difficulty in assessing the quality of decision-making in the Department of Education and Science because of the refusal of successive governments to reveal to Select Committees the nature and extent of inter-departmental consultation. As we stated in our Interim Report: "We do not feel that we can fully discharge our responsibilities to Parliament until we have access to more of the information that is available to the DES in formulating its decisions".<sup>2</sup> We are not alone among the new Select Committees in feeling this difficulty.<sup>3</sup>

2. The First Report of the Select Committee on Procedure Session 1977-78, included a recommendation that:

"Select Committees should regard any refusal by government departments to provide information relating to departmental or interdepartmental organisation - unless fully explained and justified to their satisfaction - as a matter of serious concern which should be brought to the attention of the Houses".<sup>4</sup>

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1 First Report from the Education, Science and Arts Committee, Session 1979-80 HC 552

2 Op. cit., para 25

3 See the Second Report of the Treasury and Civil Service Committee, Session 1979-80, HC 584, para 5, and the Third Report of the Foreign Affairs Committee, Session 1979-80, HC 553, para 16.

4 HC 588-1, para 7.15 and recommendation 62.



3. In the debate on 25th June 1979 on the setting up of a new Select Committee system<sup>1</sup> a number of the Procedure Committee's recommendations were discussed<sup>2</sup>, including those relating to Select Committees' powers to send for persons, papers and records.<sup>3</sup> The Leader of the House in commenting on these recommendations was not prepared to go beyond promising Ministerial co-operation but with reservations.

4. As an example of our difficulty we draw to the attention of the House the following exchange, which took place during our current inquiry, between our Chairman and the Secretary of State for Education and Science:

Chairman: "Is there anything further you can say about the co-ordination on the issue of overseas students that will take place in the future between you and the ODA and other branches of the Foreign Office, in order that a clear policy can be laid down as to the balance, as it were, between the market and our duty to the third world?"

Mr Carlisle: "I think there is very little I can say on this, except to say that our relationships with the Foreign Office are good. We are in contact with them and decisions of these matters are, as I tried to indicate, cabinet and governmental decisions in which the Secretaries of State of both departments are involved. As you rightly say, the Government takes the view that just as Select Committees

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1 HC Deb. Vol 968, Col. 33 et seq.

2 Ibid. Cols 44-47

3 Op. cit., recommendations 62-65.



are not able to know what advice officials give to individual ministers, but ministers must be responsible for what actions they take, equally, we would be wrong to give evidence as to interdepartmental advice. I realise this is a matter for Parliament to decide whether that is the right stance for the Government to have taken or not. At the moment I really cannot say any more than we have said."<sup>1</sup>

5. The Committee welcome the Secretary of State's frankness in stating that it is for Parliament to decide whether the government are right in their stance on this matter, and recommend that the House be given an early opportunity to approve the recommendation of the Procedure Committee in paragraph 2 above.

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<sup>1</sup> HC 552, Q.814.



20 MAY 1980





HOUSE OF COMMONS

Second Report from the  
EDUCATION,  
SCIENCE AND ARTS  
COMMITTEE

Session 1979-80

THE BRITISH LIBRARY

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*Ordered by The House of Commons to be printed*

*15 May 1980*

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*To be published later by*

HER MAJESTY'S STATIONERY OFFICE

HC 607



The Education, Science and Arts Committee is appointed under SO No 86A to examine the expenditure, administrations and policy of the Department of Education and Science and associated public bodies and similar matters within the responsibilities of the Secretary of State for Northern Ireland.

The Committee consists of nine Members, of whom the quorum is three. Unless the House otherwise orders, all Members nominated to the Committee continue to be members of it for the remainder of the Parliament.

The Committee has power:

- (a) to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report from time to time;
- (b) to appoint persons with technical knowledge either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference.

The following were members of the Committee during the present inquiry:

Mr Christopher Price (Chairman)

Mr Tim Brinton	Mr John McWilliam
Mr Patrick Cormack	Mr John Osborn
Mr Harry Greenway	Mr Dafydd Thomas
Mr David Madel	Mr Stan Thorne



SECOND REPORT FROM THE EDUCATION, SCIENCE AND ARTS COMMITTEE

REPORT

The Education, Science and Arts Committee have agreed to the following Report:-

THE BRITISH LIBRARY

1. In the course of their inquiry into information storage and retrieval in the British Library Service, your Committee have received evidence<sup>1</sup> to suggest convincingly that the continued delay of successive Governments in reaching a decision about the proposed new British Library building in St Pancras is likely to have an increasingly harmful effect on the services provided by the British Library to its many users.

2. The British Library attempts to give the best possible service to the widest range of users. There are constraints on its ability to achieve this objective. It is difficult to provide a really effective reference service when staff and material are scattered over eighteen buildings in Central London. One example of this problem is the fact that the Science Reference Library is split between five sites. Time is expensive for the companies, organisations and individuals who use this service. The inefficiency of the existing situation is obvious and the supposition that the full range of services can be effectively supplied over the next ten years is unrealistic.<sup>2</sup>

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1. This evidence is contained in Education, Science and Arts Committee. Session 1979-80. Information Storage and Retrieval in the British Library Service. Minutes of Evidence. HC 409-i, -ii and -iii (HMSO). In the subsequent footnotes "Q.-" refers to questions and answers in this evidence.

2. Q.14 Sir Harry Hookway (British Library)



3. A National Library is concerned not only with the present and the future, but also with the past, and its heritage from the past is 13 million volumes of material in print. The impact of new technology on the present storage problems at the British Library is likely to be small for a substantial period of time.<sup>1</sup> The more technical development there is in on-line searching, the more important becomes a national archive for printed material. "We do not throw away medieval manuscripts, nor should we throw away our printed cultural heritage".<sup>2</sup>

4. The Committee believe that the British Library is seriously affected by its present accommodation problems. Conservation of printed material is particularly difficult when it is moved from building to building, and service to industry and commerce as well as individual researchers will worsen as time passes.<sup>3</sup> We are satisfied that new technological developments will not overcome the storage problems in the medium term. Instead modern techniques for the retrieval of information will increase demand for printed material from the library in that timescale.<sup>4</sup>

5. The Committee are continuing their enquiry into national library services and the impact of modern technology on them.

6. They are however concerned that the Government should have available their conclusion on the building of a new British Library at the earliest possible moment.

- 
1. Q.19 Sir Harry Hookway
  2. Q.146 Professor Havard Williams (Library Association)
  3. Q.16 Sir Harry Hookway
  4. Q.56 Mr Loveday (The Standing Conference of National and University Libraries).



7. On this issue the Committee have now concluded that the services provided by the British Library to its users at home and abroad will substantially and rapidly deteriorate unless a decision is taken very quickly to proceed with phase 1 of the new building.



FILE  
CONFIDENTIAL



10 DOWNING STREET

Parliament  
Original filed on  
Defence: Future of the  
UK Nuclear Deterrent:  
PT 2.

From the Private Secretary

14 May 1980

Dear Brian,

HOUSE OF COMMONS DEFENCE COMMITTEE: INQUIRY INTO SUCCESSOR SYSTEMS

The Prime Minister has seen the Secretary of State for Defence's minute to her of 9 May on this subject. She has agreed that the House of Commons Defence Committee's inquiry should be played long, as Mr. Pym suggests. She agrees that an effort should be made to keep the Committee happy by meeting their wishes so far as possible and that they might begin their work by making visits to Faslane and Rosyth.

I am copying this letter to John Chilcot (Home Office), George Walden (Foreign and Commonwealth Office), John Wiggins (HM Treasury), John Stevens (Chancellor of the Duchy of Lancaster's Office), Murdo Maclean (Chief Whip's Office) and David Wright (Cabinet Office).

Yours sincerely

Richard Alexander

Brian Norbury, Esq.,  
Ministry of Defence.

CONFIDENTIAL





Minister of State

J W Stevens Esq  
Private Secretary to the  
Chancellor of the Duchy of Lancaster  
Privy Council Office  
Whitehall  
LONDON SW1A 2AT

Civil Service Department  
Whitehall London SW1A 2AZ  
Telephone 01-273 3000

✓  
MS

14 May 1980

Dear John,

SELECT COMMITTEES: REVISED MEMORANDUM FOR OFFICIALS

Arrangements have now been made for the revised Memorandum for Officials to be circulated to departments on Friday, 16 May.

The Chancellor of the Duchy has undertaken to send copies to Chairmen of Select Committees (his letters to Mr du Cann of 28 January and 13 March refer). All departments should have received the Memorandum by Tuesday, 20 May at latest. We suggest, therefore, that the Chairmen's copies might be sent to them on that day. The Minister of State has undertaken to place a copy in the Library, and we will arrange for this to be done on the afternoon of 20 May.

We will arrange for you to have copies of the Memorandum for distribution to Chairmen, and have made a similar arrangement with Michael Pownall for copies to be sent to Chairmen of Select Committees in the Lords.

I am sending copies of this letter to Private Secretaries to the Prime Minister, Ministers in charge of Departments and the Chief Whip, and to Michael Pownall and David Wright.

Yours sincerely  
Gary Rogers.

G D ROGERS  
Assistant Private Secretary



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14 MAY 1980





01-405 7641 Extn

*Parliament*  
ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

*MJS*  
13 May, 1980

*Dear Norman.*

DEPARTMENTAL SELECT COMMITTEES: MEMORANDUM OF GUIDANCE FOR  
MINISTERS

I have studied the draft memorandum which you circulated under cover of your letter of 30 April to Willie Whitelaw and I have no amendments to suggest. I think it is admirable.

The draft does not, of course, deal with the special position of the Law Officers on which you will remember I have fairly recently had a brush with the Select Committee on Employment who wanted me to appear before them to testify about the legal immunities of Trade Unions: shortly before that there was some difficulty about the appearance of the Director of Public Prosecutions (for whom I am responsible) before the Select Committee on Home Affairs and a little earlier still there was a problem about a request by that Committee's Sub-Committee on Race Relations and Immigration for the attendance of one of the Law Officers, or of one of my officials, to advise or give evidence about the compatibility of certain immigration measures with the European Commission on Human Rights. However, I think that it is right that your memorandum should not attempt to deal with this rather special problem. It is not of direct concern to Ministers other than the Law Officers themselves and I think that we can be confident that the relevant considerations will not be overlooked by the Law Officers or their officials in any future case, even though they are not specifically mentioned in the memorandum.

I am copying this letter to all the recipients of yours.

*Yours aw.  
Michael*

The Rt Hon Norman St John Stevas MP  
Chancellor of the Duchy of Lancaster  
Privy Council Office  
Whitehall, London, SW1A 2AT



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14 MAY 1963







**with compliments**

MINISTER OF STATE

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CIVIL SERVICE DEPARTMENT  
Whitehall London SW1A 2AZ

Telephone 01-273 5563/4086





Minister of State

The Rt Hon William Whitelaw CH MC MP  
Secretary of State for Home Affairs  
Home Office  
Queen Anne's Gate  
LONDON SW1

*Parliament*

Civil Service Department  
Whitehall London SW1A 2AZ  
Telephone 01-273 3000

13 May 1980

*Dear Willie*

DEPARTMENTAL SELECT COMMITTEES: MEMORANDUM OF GUIDANCE FOR  
MINISTERS

Norman St John-Stevas sent me a copy of his letter to you of 30 April, enclosing the draft Memorandum of Guidance for Ministers.

I welcome the Memorandum and have no comments to make on it. It will complement the Guidance for Officials which, as you know, we expect to issue shortly. That Guidance will be generally available to the House and the Press and is less explicit in a number of respects.

I am sending copies of this to the recipients of Norman St John-Stevas's letter.

PAUL CHANNON

*Y*

*al*

*V*  
*MS*





ELIZABETH HOUSE,  
YORK ROAD,  
LONDON SE1 7PH  
01-928 9222

FROM THE SECRETARY OF STATE

The Rt Hon Norman St John-Stevas MP  
Chancellor of the Duchy of  
Lancaster  
Privy Council Office  
Whitehall  
LONDON  
SW1

13 May 1980

✓  
MJS

*Dear Norman,*

I have been considering your letter of 23 April to Paul Channon, suggesting guidance on the release of documents to Select Committees and in particular reports such as the staff inspection report on the UGC.

As previously agreed, my Permanent Secretary has offered the Select Committee on Education a summary memorandum based on the UGC report. Christopher Price, the Committee Chairman, makes it clear that he is still expecting an answer on whether we shall be releasing the report itself. If I am to refuse his request I need to be sure of the grounds for doing so.

I do not think I could simply say that this was a matter which traditionally lay within my discretion as a Departmental Minister, and that I had decided to exercise my discretion by not disclosing the report. This would look odd against your undertaking of 25 June, 1979, that we would make available as much information as possible. Your letter appears to offer a better way forward. You are saying, I think, that there is a particular category of documents, specifically those whose disclosure would "prejudice efficient management, including relations between management and staff", which should not be released in any circumstances. This category would include all staff inspection reports.

I cannot say, of course, how Mr Price would react to this, but it would give me reasonably clear-cut grounds for refusing the request. Although, as you will have seen from the correspondence, I was not inclined to seek to refuse to release this particular report, I should be prepared to do so provided I can rest on a general decision on documents in the category defined - a decision to which other Departments would, of course, have to adhere.

I am copying this to the recipients of your letter.

*James ever*

*Mark*

MARK CARLISLE





Foreign and Commonwealth Office

London SW1A 2AH

8 May 1980

Dear Mr. Ingham,

*NRBA  
Thurs 9/5*

REPLY TO SELECT COMMITTEE REPORT ON AID TO INDIA

I am writing to seek agreement to publication of the Government reply to the Report on Aid to India by the Select Committee on Overseas Development (HC 338).

Copies of a note setting out the Committee's terms of reference and the thrust of its recommendations, a list of recommendations and the draft text of the proposed reply are enclosed.

Since its Report was published in April 1979 the role of the Committee has been assumed by a Sub-Committee of the Select Committee on Foreign Affairs. However, the Chairman of the new Sub-Committee, Mr McNamara, has indicated that its members wish to see a reply to the old Committee's Report. The Minister for Overseas Development has kept Mr McNamara informed of the likely timing of a reply.

The thrust of the proposed reply is that the Committee's recommendations were based on assumptions which are no longer valid; paragraphs 1-12 comment on the main recommendations in the context of the reductions in the aid programme and of the changed approach to aid signalled by the Parliamentary Statement on Overseas Aid made

/on

B Ingham Esq  
10 Downing Street  
London SW1





on 20 February. The reply is likely to come as a disappointment, though not a surprise, to the members of the Sub-Committee and will no doubt give rise to some criticism from the aid lobby. However, it is unlikely to generate much publicity. ODA will prepare defensive press briefing, and (if necessary) a draft guidance telegram.

The draft has been cleared at official level with the Treasury, DOT and DOI and has been approved by Lord Carrington. Subject to the clearance now sought it is proposed to publish the text as a Cmnd Paper at about the end of this month.

I should be grateful for your comments and those of other recipients of this letter by close of play on Thursday, 15 May.

I am sending copies of this letter to the Private Secretaries to the Chancellor of the Exchequer, the Secretaries of State for Industry and Trade, the Paymaster General, the Leader of the House of Commons, and the Secretary to the Cabinet.

*Yours sincerely,*

*Myles A. Wickstead*

M A Wickstead  
Assistant Private Secretary  
to the Lord Privy Seal



FIRST REPORT  
FROM THE  
SELECT COMMITTEE  
ON  
OVERSEAS  
DEVELOPMENT

Session 1978-79

THE PATTERN OF UNITED KINGDOM  
AID TO INDIA

OBSERVATIONS BY THE MINISTER  
FOR OVERSEAS DEVELOPMENT ON THE  
FIRST REPORT OF THE COMMITTEE  
SESSION 1978-79

Presented to Parliament by the Secretary of State for Foreign and  
Commonwealth Affairs by Command of Her Majesty

LONDON

HER MAJESTY'S STATIONERY OFFICE

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Cmnd .....



DRAFT REPLYFIRST REPORT FROM THE SELECT COMMITTEE ON OVERSEAS DEVELOPMENT  
SESSION 1978-79

## THE PATTERN OF UNITED KINGDOM AID TO INDIA

Observations by the Minister for Overseas Development

(Marginal references are to the relevant paragraphs in the Select Committee report)

1. The Government have studied the report of the Select Committee with interest and congratulate the members of the Committee on their close study of the British aid programme in India.
2. The Committee's observations and recommendations were, however, based on certain assumptions which are no longer valid. The growth of 6% a year in the level of overseas aid planned by the previous Government was unrealistic and could not have been sustained in current economic circumstances. The economic situation in Britain has made it necessary to restrict public expenditure and the aid programme cannot be exempted. Moreover the reductions in the global aid programme over the years 1979-80 to 1983-84 within the Government's overall reductions in public expenditure will particularly affect the bilateral share of the programme. Because Britain's largest multilateral aid commitments - to the European Community's aid programmes and to the International Development Association - are determined well in advance by treaty and by IDA Replenishment negotiations and because under existing multilateral obligations multilateral aid will grow as a proportion of the total, the burden of adjustment will fall particularly on Britain's bilateral programmes, including the India programme.
3. It is the Government's intention to retain within the global programme an "aid-trade" provision for development projects of commercial and industrial significance to Britain, and so to enable aid to be deployed to assist British industry to take advantage of commercial opportunities. It is also the Government's intention to enlarge the unallocated margin within the programme to enable Ministers to respond more effectively to changed political requirements and situations. Some of these funds may go to India. India does of course also benefit from British contributions to multilateral organisations. However, while the Government fully

/recognise



recognise the development needs of India, financial constraints will inevitably mean that within the global aid programme it will not be possible to provide all the help to India that the Government and the Committee might wish.

4. Insofar as general aid policy is concerned, as I explained to the House in the statement which I made on 20 February, a review of the policies governing the overseas aid programme has led the Government to conclude that there should be a change of emphasis in the use of aid. The Government naturally remain concerned that it should be used to improve the economic situation of the countries we are helping, and thus to improve the lot of those in need but intend to give greater weight in the allocation of aid to political, industrial and commercial considerations alongside basic developmental objectives. Similarly, the Committee's proposals for staff increases have to be set against the general need not only to contain, but to reduce, the size of the public service.

5. Against this general background the following paragraphs, grouped under the relevant headings used in the Committee's report, comment on the main points and suggestions which the Committee have made.

#### Aid in the context of Indian development

6. The Government very much welcome the progress which has been made in the development of the Indian economy in recent years. British aid has played a part in this. Clearly much still remains to be done, and the Government intends that Britain should continue to give such help as it can. Within the limits of the overall aid programme and subject to the competing claims on the available financial and manpower resources the Government expect to continue to provide a substantial level of support. It is important to stress that our aid is provided in support of the Government of India's own priorities, and specifically for projects and programmes which accord with those priorities. Paragraph 26 of the Committee's report is particularly relevant in this respect. But the Government shares the Committee's wish to ensure that British aid to India is put to the best possible use and administered in a cost-effective manner.

7. As already indicated, it is not possible to think in terms of an increase in the level of British aid to India in the foreseeable

/future



future. The form of British aid will, as hitherto, be for discussion and agreement with the Government of India. However, the Government see advantage in focusing to a greater extent than in the past on a project approach more oriented towards specific sectors of the Indian economy where British expertise has a particular contribution to make, and with greater integration between our financial aid and our technical cooperation activities. Given the wide and varied needs of the Indian economy the Government would expect to be able to identify projects within the Government of India's development plans which will be mutually beneficial in that they will not only contribute to Indian development but will also provide opportunities for British industry. An example of this is our help to the India coal sector which is critical to the Indian economy and where a combination of tied aid for capital equipment, consultancies and training is making an effective contribution to the local coal industry.

8. Against this background the Government do not envisage further commitments of maintenance aid. The Government have noted the Committee's recommendation for more untied aid, additional to RTA (Retrospective Terms Adjustment) local costs aid. While the advantages this would offer are recognised it is not something which the Government are able to contemplate in present circumstances.

9. It would not be possible for Britain acting alone to give effect to the Committee's recommendation for an increased flow of aid to India through multilateral channels. Contributions to multilateral agencies such as the International Development Association are general contributions to the resources of those institutions and British contributions, as with those of other donors, are not earmarked for specific recipients. Between 30% and 40% of total IDA flows go to India. Britain is a major contributor to IDA and will provide over 10% of total contributions to the Sixth IDA Replenishment (\$12 billion for commitment between July 1980 and June 1983). Britain has been a prime mover in the establishment of the European Community's aid programme for countries not covered by the Lome Convention or the Mediterranean Agreements. Some 25% of the 1979 programme, 28.2 million units of account (£17.77m), is committed to India. It is the Government's intention to continue to seek to ensure that India receives a reasonable proportion of the resources available to the multilateral agencies to which Britain provides support.

/A sharper



Paras  
48-51

A sharper focus

10. The Committee recommends "a shift of balance towards increasing the proportion of the aid budget devoted to those parts of the aid programme which are more direct in their effects towards poorer people and more amenable to deliberate choice in identification and design, and a sharpening of focus to increase their cost effectiveness in terms of net benefits to the poorer people in India".

11. It is not always possible to assess the specific impact on poorer groups of certain forms of aid, notably maintenance aid, and

/to



to a lesser extent, sector aid. Other forms of aid, notably project aid (including local costs aid) and technical cooperation, have a more specific impact and it is thus usually easier to assess the benefits to particular groups. The Overseas Development Administration seeks to take account of all costs and benefits associated with particular projects in its appraisal and evaluation procedures, but the limitation imposed by the "tying" of much of our aid to British goods and services will often mean that the benefits to the poor are indirect. For example, a large number of poor people will benefit indirectly from the Foot and Mouth Disease Vaccine Plant Project to supply British technology and equipment for local production of foot and mouth disease vaccine to reduce cattle mortality and morbidity and increase milk yields. Other large projects, eg the £11m mobile clinics project to bring improved health care to rural areas and re-orient medical education towards the needs of people living there, will give direct benefit to the poorest. Moreover, the advent of a significant level of local costs aid through the "Retrospective Terms Adjustment" measures means that Britain is now able to assist with the preparation and financing of projects designed to benefit the poor directly to a much greater extent than hitherto, eg a proposed family welfare project in Orissa and further support for the expansion of agricultural credit facilities to small farmers.

12. However, while there are obvious attractions in undertaking projects which can be seen to have an immediate and direct impact on the poor, other forms of development can contribute to the economic progress which is essential to support a government's efforts to improve the lot of its poorer people. The Government's intention that greater weight should be given in our bilateral aid programmes to British political, commercial and industrial considerations, alongside basic developmental objectives, together with the effects of the tying of aid, will mean that a significant proportion of the programme will continue to be in support of projects of this kind, which are of general economic benefit rather than directly related to the poor.

13. We consider technical cooperation to be a particularly valuable part of the aid programme and, with the agreement of the Government of India, would hope to be able to maintain a significant level



of technical cooperation activity. The Overseas Development Administration (ODA) have been involved through technical cooperation in assisting the high technology sectors of the Indian economy and consider that this assistance has been cost effective. ODA is also involved in technical cooperation activity eg in the health and natural resources field directly aimed at improving the lot of the poor. Training in Britain forms a significant part of the programme. It has already been suggested to the Government of India that a proportion of local cost aid funds should be used in connection with the TC programme. They expressed reservations about the administrative burden involved and have undertaken to fund necessary local costs from the Government of India's own resources.

Paras  
52-54

Support for Voluntary Agencies and Small Projects

14. The Government fully endorses the Committee's views on the role of voluntary agencies in development, particularly in the field of micro-projects. They see the Joint Funding Scheme as the main agency for support of the British voluntary agencies and, through them, the Indian agencies.

Paras  
55-56

A New Development Agency

15. The concept of an officially sponsored organisation of the kind suggested has been very carefully considered in the past. The Government see no reason to depart from the conclusion reached then that the establishment of a new, officially sponsored and funded organisation would not be appropriate. Such an organisation would necessarily be a creation of government, so that it could not enjoy the independence which is such a marked feature of the voluntary agencies, and would be expensive to set up and run. The Government therefore consider that help in this area should continue to be channelled through the Joint Funding Scheme to the voluntary agencies with their established organisation and network of overseas contacts.

Para 57

Financial Support for Indian Voluntary Agencies channelled through the Government of India

16. The Government will bear this suggestion in mind in their discussions with the Government of India on the use of RTA local costs aid.

/A Small



Para 58 A Small Projects Scheme

17. The Heads of Mission Small Projects Scheme has had to be suspended because of other competing demands on available resources in the aid programme for 1980/81. If the Scheme is later reactivated, the Government will consider the inclusion of India, subject to the agreement of the Government of India.

Para 59 Assistance to Indian Trade Unions Working in Rural Areas

18. The Government of India have regularly nominated candidates from the Indian TUC and other independent trade union organisations in India for courses for overseas trade unionists in Britain. These courses are conducted jointly by the Department of Employment, the TUC and Oxford University and are slanted to take account of employment problems and development policies aimed at employment creation. Aid finance has also been provided to enable senior trade union officials from India to attend the diploma programmes offered by Ruskin College Oxford.

Para 60 Technical Cooperation Training for Voluntary Agency Staff

19. Qualified employees of voluntary agencies can be considered for TC training awards and can also be considered for training in the context of projects funded under the Joint Funding Scheme.

Para 61 Longer term support to ensure employment prospects

20. The Government recognise the problem to which the Committee has drawn attention, but does not consider it appropriate to use aid funds to underwrite an employment insurance scheme of the kind envisaged. Apart from this general question of principle, the short term nature of voluntary work as described to the Committee would present serious difficulties in trying to establish a permanent scheme on a conventional basis.

Paras 63-65 The Role and Activities of the British Council

21. Discussions regularly take place between the Council, ODA and the Government of India to relate the Council's work to the developmental priorities of both Governments. Such discussions will continue. But the British Council Division can only operate in association with the Government of India and in response to the Government of India's objectives and perception of its needs so far



as these can be accommodated within our aid programme. In many cases the Government of India consider that development activities are best carried out by local personnel without foreign assistance. The Government does not consider that the Committee's report fully reflects the value of the contribution made by the British Council Division in India. However, the savings to be made in bilateral aid and in the Council's budget will necessarily mean substantial cuts in the level of the Council's services in India.

22. The Committee proposes packages of assistance to Indian institutions at state level and below. There has been an increase in institutional links in recent years, particularly in the natural resources and health fields. The possibilities for further progress on these lines, subject to the availability of funds, will be kept under review in consultation with the British Council and with the Indian University Grants Committee, which is uniquely placed to judge the suitability of individual Indian institutions for such arrangements.

#### Libraries and Books

23. There may be a case for the expansion of the British Council libraries to other major cities such as Nagpur, but this is not possible at present given financial constraints. Indeed some retrenchment may well be necessary and it may be more productive in developmental terms to concentrate available resources on long-term Indian library development and to seek to arrange transfer of the British libraries as going concerns within an enlarged and improved Indian national and state library system. The British Council is well aware of the problem of long waiting lists in Bombay and Pune and is working to reduce them. In Bombay, for example, a new library is being built.

24. The stock of British Council libraries is selected by highly experienced and qualified Indian staff who are thoroughly familiar with the local interests and requirements. Every library does hold stocks devoted to rural development and their use is carefully monitored.

25. The books programmes are under review globally. The possibilities of improving the cost-effectiveness of the Books Presentation Programme in India, and the feasibility of offering boxes of selected books to certain lower level institutions, are being examined in this context. The Programme offers a wide choice from standard bibliographies of British books appropriate to institutional needs. British books on the Oxfam list can be included.

Paras  
66-70



26. The ELBS Scheme (Low Priced Book Scheme) is run in close collaboration with British publishers and the selection and publication of titles must take into account their commercial judgment of the production and marketing considerations. The operation of the scheme is necessarily based on the level of demand for particular titles, and sales of books in the rural development field have been built up gradually. Thirty-seven of the 43 rural development titles have been added since 1976. The Government hope to continue this trend. ELBS is designed for the tertiary level of education and titles of this type in the Oxfam list could be considered for inclusion. There is however a large Indian publishing industry producing books written in English and it is questionable whether British publications could or should be promoted at a lower level, given local trade sensitivities.

27. The Government feel that the translation of books into Indian languages would only be justified in exceptional cases. Most Indians at the tertiary level of education read English and translation at that level is not generally thought necessary.

Paras 71-73 Experience for Young People in India and the United Kingdom

28. The Government have noted the Committees' comments on the Young Scientists' Exchange Scheme. The proposal that British students might spend a period in India as part of their course would be largely a matter for the tertiary institutions concerned in Britain and India, within arrangements approved by the Government of India and the University Grants Committee; official British Government assistance would almost certainly have to be limited to facilitating negotiations, rather than providing financial support.

29. As regards research, collaboration in this field has expanded in recent years mainly through professional links between institutions, particularly in the field of natural resources. The Government expect this activity to continue insofar as financial constraints allow. India also benefits from the results of projects financed

/from...



from ODA's own funds for research and development. These funds are allocated to projects on grounds of their scientific merit and practical application to a wide range of developing countries rather than on a country-specific basis. Some of these projects have been sited in India and it is hoped that further projects will be mounted in which India may participate.

Para 74 UK Technical Cooperation in India

30. The Government have noted the views of the Committee on the Technical Cooperation Programme in India and, as noted above, hopes to continue to develop British support in this field consistent with Government's overall policy on the use of aid funds. We await the reactions of the Government of India to the proposal to establish a small team to assist in land and water management. ODA's Natural Resources and other professional advisers, and our TCO's when in the field (e.g. at Indore over the last 3-4 years) have regular contact with ICRISAT, which in turn is regularly in touch with the All India Dry Land Farming Programme. The continuation of links between the two organisations will be borne in mind in the development of our support in the natural resources field.

Paras 73-91 The Activities, Organisation and Staffing of the British High Commission and ODA

31. The Government agree with the thrust of the Committee's comments on the need for careful and detailed appraisal before commitments are made to specific projects and programmes. A high proportion of the time of ODA's specialised advisers and Economic Planning Staff is spent on appraisal work. Wherever possible full account is taken and use is made of the high quality appraisal work carried out by Indian institutions and international organisations. This often results in a reduction of the ODA staff time input without any corresponding reduction in the quality and rigour of the appraisal work. The original British commitment to the fertiliser education project mentioned in paragraph 81 of the Committee's report was a commitment in principle only and was thus

/subject



subject to the outcome of a satisfactory appraisal and to a specific decision in favour of the project at Ministerial level. (This appraisal is now being completed and the structure and arrangements of the project have in fact undergone some changes during this process. The Government now contemplate providing support on a smaller scale than originally envisaged with direct support through local cost aid.) As regards the Agricultural Refinance and Development Corporation (referred to in paragraph 82 of the Committee's report) the decision to allocate funds was based on the views of ODA's specialist advisers and on those of the various World Bank appraisal missions which have been concerned with ARDC's operations over a period of some years. ODA advisers participated in the World Bank's November 1979 ARDC Supervision Mission which studied the ARDC's organisation and activities in depth. The subsequent decision to provide further support for the organisation took the Mission's findings into account.

32. The Government fully share the Committee's view on the need for projects to be effectively monitored to ensure efficient implementation. ODA tries to build into all projects as detailed a monitoring system as is appropriate and practicable, e.g. through regular progress reports and visits by ODA and BHC staff as well as by outside consultants when appropriate. When these processes reveal the need for further investigation or remedial action ODA seeks to take the necessary steps as quickly as is practicable. Action has been taken in the ODA to develop systematic guidelines for more effective project monitoring on the basis of the experience of ODA staff including those based in Overseas Missions and Development Divisions, and of certain other donors.

33. The Government agree that more attention should be given to ex-post evaluation work. ODA's evaluation capability has been strengthened by the establishment of a small full-time evaluation section within the Economic Planning Staff. Senior management in ODA is responsible for directing the overall policy and programme of evaluation work and for approving the evaluation budget. Funds for evaluation are at present very constrained but it is proposed to mount an evaluation of the

/Kandla



Kandla/Kalol Fertiliser Plant in India. The possibility of collaboration with the Programme Evaluation Organisation of the Government of India Planning Commission will be explored. In general the Government think it preferable to commission evaluation work from British and Indian institutions rather than strengthen the staff of the British High Commission in Delhi for this purpose.

34. The Government have noted the very strong emphasis the Committee has placed on its recommendations concerning organisational aspects of aid section staffing in the British High Commission and on the adequacy of the present level of staffing. On the former point, the Government does not consider that the establishment of an Aid Secretariat comprising BHC and British Council Division staff, would materially improve the administration of the aid programme, given the close liaison already maintained between staff in both offices.

35. On numbers and specialisms, a case could be argued for an increase in the British High Commission's complement. Such an increase in staff, however, could not be justified in the light of other demands for staff and funds, particularly in the context of the Government's policy of reducing the size of the Civil Service. The staffing of the High Commission will of course be reviewed periodically by the Diplomatic Service staff inspectors and account will then be taken of any change in circumstances which might point to the need for more staff. For the moment at any rate the Government feel that the present arrangement, whereby the programme is administered on the basis of the existing staff in the aid section of the High Commission and the British Council Division and visits by ODA advisers and other outside specialists, should be maintained.



## SELECT COMMITTEE REPORT ON AID TO INDIA

### List of Recommendations

#### The Select Committee:

1. Would expect that both the British High Commission in Delhi and the ODA would make a contribution to the debate within the Government of India on technology choices, if necessary by indicating that British aid was not available for technologies that have the immediate effect of displacing labour (para 40).
2. Recommend a more adequate provision of local costs, additional to that already introduced by RTA, to assist in the attainment of the objectives of a poverty focused British aid policy (para 42).
3. Consider that India is under-aided and that an expansion of British aid to India at the same rate as that proposed for the growth of the aid budget as a whole (6% per annum) with RTA superimposed on top of that growth, to be wholly justified (para 44).
4. Within this growth, would like to see the following changes in the form of British aid to India:
  - (i) a sharp increase in multilateral funding,
  - (ii) a fall in bilateral project aid, more than made good by projects financed from RTA,
  - (iii) a rise in maintenance aid,
  - (iv) a major use of RTA funds in technical cooperation, with the result that this programme expands rapidly,
  - (v) substantial progress in the further untying of project aid (para 47).
5. Recommend a shift of balance towards increasing the proportion of the aid budget devoted to those parts of the Aid Programme which are more direct in their effects towards poorer people with a greater emphasis on smaller projects. This will require more staff (paras 50 and 51).
6. Believe that good micro-projects of the type with which voluntary agencies like Oxfam are involved represents some of the most cost effective forms of aid, and suggest increasing the funds available for the Joint Funding Scheme (paras 52 and 53).
7. Urge that ODA seek discussions with the Indian authorities to examine ways in which more assistance might acceptably be provided for the benefit of the poor and suggest the following ways in which this might be done (para 54):-
  - (a) the establishment of a new development agency, which would receive ODA funding and channel it to local voluntary agencies (paras 55 and 56);

/(b)



- (b) the provision of financial support for Indian voluntary agencies through the Government of India (para 57);
- (c) the extension to India of the Heads of Mission Small Projects Scheme (currently being operated on an experimental basis in certain selected countries) (para 58);
- (d) support to Indian Trade Unions in rural areas through the TUC and the international labour movement (para 59);
- (e) training for Indian voluntary agency staff (para 60);
- (f) using aid funds to underwrite a social service employment insurance scheme for voluntary agency staff in India.

8. Recommend that the British Council should be more active in pursuing certain activities, in particular:-

- (a) the development of collaborative links between British and Indian institutions (para 64);
- (b) support for libraries and books. The Books Presentation Scheme should be reviewed with the aim of more rapid expansion and the English Language Book Society scheme should be re-orientated in line with the 1977 White Paper (paras 66-69);
- (c) fostering arrangements for young people from the UK to gain experience in India, and vice versa (paras 71 and 72);
- (d) facilitating academic and technical research in India (para 73).

9. Welcome the proposed increase in Technical Cooperation activities, especially in the renewable natural resources field (para 74).

10. Consider that all projects and programmes should be carefully appraised, in particular to assess the direct and indirect effects on the rural poor; should be effectively monitored; and should be evaluated ex post (paras 81-84).

11. Urge that the Deputy High Commissions be strengthened and that the possibility of out posting staff to one or more states, or to districts where United Kingdom financed projects are being undertaken, be explored (para 86).

12. Consider there to be an overwhelming case for a marked increase in the numbers and specialisations of the staff of the development section in the High Commission. There should be:

- (a) an aid secretariat comprising the present development section and the specialist scientific staff of the British Council concerned with technical cooperation;

/(b)



(b) this secretariat should be strengthened by various specialist staff (five disciplines are suggested), with further staff members for smaller projects.

Also, staff should serve in India for longer than the present tours (paras 89-91).



FIRST REPORT FROM THE SELECT COMMITTEE ON OVERSEAS DEVELOPMENT,  
SESSION 1978-79: THE PATTERN OF UNITED KINGDOM AID TO INDIA

Note by South Asia Department, Overseas Development Administration

1. Paragraph 6 of the Report states that in their approach to the question of aid to India the Committee set themselves the following terms of reference:

- (a) to identify and examine the impact over the last 10 years of the different types of UK aid to India;
- (b) to identify and examine means of providing more effective aid in the light of the objectives set out in the 1975 White Paper "The Changing Emphasis in British Aid Policies: More Help for the Poorest".

2. Paragraph 43, which precedes the Committee's comments on the future structure of the India programme, further states that:-

"Your Committee have considered two essential strategic decisions - the size and the form of the aid programme - and they have set these decisions in a four-year perspective. In doing so they have had to make three crucial assumptions: that the aid budget as a whole will increase by 6 per cent per annum in real terms over that period: that RTA will remain genuinely additional: and that the objectives of British aid policy will remain broadly as outlined in the White Paper."

3. It is against this general background that the Committee suggests (in paragraph 93) a triple strategy for the India programme, comprising a continuation of maintenance aid to increase the manageability of the Indian economy; a more sensitive interpretation of project aid, with particular emphasis on the employment and income distribution effects of that aid; and a far more vigorous and creative programme in conjunction with the voluntary sector.

4. Also recommended is a more management intensive programme. The Committee "regard the readiness of HMG to address the staffing issue as the litmus test of its seriousness in turning the rhetoric of the 1975 White Paper into action in the field" (para 93, last sentence).

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9 MAY 1980







VMS

2 MARSHAM STREET  
LONDON SW1P 3EB

My ref: H/PSO/13547/80

Your ref:

7 May 1980

*De Hon*

Thank you for sending me a copy of your letter of 23 April to Paul Channon about the disclosure of documents to Select Committees.

While of course I agree that Ministers have complete discretion whether or not to release particular documents, the hope is that we will generally abide by the conventions and not depart from them in any important way without consulting each other. For instance, normally none of us would release, as such, advice we had received from officials.

I am copying this letter to recipients of yours.

*Yours*  
*Michael Heseltine*

MICHAEL HESELTINE

The Rt Hon Norman St John Stevas  
Chancellor of the Duchy of Lancaster  
Privy Council Office



F-9 MAY 1950





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Parliament

2 May 1980

Departmental Select Committees

The Prime Minister has seen and noted your letter to me of 23 April recording the Chancellor of the Duchy's views about the possibility of setting up more sub-committees for Select Committees, and also on the subject of a possible Select Committee on non-departmental public bodies.

I am copying this letter to John Chilcot (Home Office) and Murdo Maclean (Chief Whip's Office).

N. J. SANDERS

TJR

J.W. Stevens, Esq.,  
Chancellor of the Duchy of Lancaster's Office.





Chancellor of the Duchy of Lancaster

PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

VMS

30 April 1980

*De Wilke*

DEPARTMENTAL SELECT COMMITTEES: MEMORANDUM OF GUIDANCE  
FOR MINISTERS

You will recall that the Cabinet invited me, after consultation with the House authorities, to prepare a memorandum of guidance for Ministers. The Prime Minister has now agreed that I should send you and your colleagues the attached document. Obviously we cannot foresee all the problems that may arise, and the Select Committees are themselves still developing their practices. But I thought it would be helpful for the document to deal with a number of general issues as well as the points about the summoning of named officials and of members of the House of Lords and non-governmental witnesses that were specifically identified during the Cabinet discussion. We have the unofficial but important concurrence of the House authorities for what is said in the document about the relevant powers of the Select Committees and of the House itself.

I should be glad to know if you and other colleagues have any points to raise. I am copying this letter and enclosure to all members of the Cabinet (including the Minister of Transport and the Chief Whip), to the Attorney General and the Minister of State, CSD, and to Sir Robert Armitage.

*John Major*

The Rt Hon Williams Whitelaw CH MC MP  
Home Secretary  
Home Office  
Queen Anne's Gate



DRAFT

DEPARTMENTAL SELECT COMMITTEES

MEMORANDUM OF GUIDANCE TO MINISTERS

1. This note gives guidance about the relations between Ministers and the Select Committees set up by the House of Commons to "mark" departments.

2. The guidance covers:

Attendance of Ministers and officials (paragraphs 5-7)

Answers in oral evidence (paragraphs 8-13)

Requests for papers and records (paragraphs 14-17)

The position of other witnesses (paragraphs 18-19)

GENERAL

3. Select Committees normally proceed informally when asking for the attendance of witnesses and for written material. The terms of reference given to the Committees by the House confer on them formal powers to send for "persons, papers and records". This note summarises the present extent of those powers\*. When the Procedure Committee recommended the establishment of departmental select committees they included in their Report<sup>∅</sup> recommendations for the increase and clarification of the formal powers of the committees. In the debate on the Procedure Committee's report on 25 June 1979 the Chancellor of the Duchy of Lancaster explained why the Government did not think there need be any change in the present position. He said:

"There need be no fear that departmental Ministers will

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\* This note and its annex refer to the powers of the departmental select committees. Although most of what is said would be true of other committees of the House of Commons, there are some special considerations applying to other select committees, and in particular to the Public Accounts Committees, with which this note is not concerned.

∅ First Report from the Select Committee on Procedure, Session 1977-'



refuse to attend Committees to answer questions about their departments or that they will not make every effort to ensure that the fullest possible information is made available to them.

I give the House the pledge on the part of the Government that every Minister ... will do all in his or her power to co-operate with the new system of Committees and to make it a success.

I believe that declaration of intent to be a better guarantee than formal provisions laid down in Standing Orders." (Hansard, 25 June 1979, columns 45-46).

4. Select Committees have no independent penal jurisdiction to enforce their powers to send for persons, papers and records or to punish for contempt. These powers of enforcement can be exercised only by order of the House itself (see Annex, paragraphs 2-3). If a Select Committee sought the backing of the House in any dispute, Ministers would be accountable to the House for their actions and those of their officials. The outcome would depend on the Government's ability to command a Parliamentary majority. Because Ministers and departments generally comply with the requests of Committees, and Committees themselves have rarely pressed their requests if good reason were shown for not meeting them, there is little recent experience of a Committee exercising its formal powers, or of a dispute requiring resolution by the House. Ministers should aim to avoid such disputes unless a matter of principle or overriding importance is at stake.

#### ATTENDANCE

##### Ministers

5. The General power of Select Committees to send for "persons" does not apply to Members of either House of Parliament. Ministers who are Members of either House can be "invited" by a Commons Select Committee to attend to give evidence to it. Only the House



of Commons can order a Minister who is a Member of the House to attend before a Select Committee. A Minister who is a Member of the House of Lords must be given leave by that House to appear before a Commons' Select Committee and need attend only 'if he thinks fit'.

6. Ministers should, so far as possible, accede to requests from Select Committees to attend before them. A Select Committee may choose to study a subject which concerns other Departments in addition to its "parent" Department, and there will therefore be occasions on which a Minister is invited to appear before a Select Committee other than that for his own Department to give evidence on matters within his own sphere of responsibility. Nevertheless, it might still be a proper ground for refusal of an invitation that a Minister is not ministerially responsible for the matter about which he is asked to give evidence. Ministers have declined invitations on these grounds in the past. If a Select Committee wished to press a request, regardless of ministerial responsibility, only the House as a whole could order a Minister to attend.

#### Officials

7. Officials appearing before Select Committees do so on behalf of their Ministers. It is customary, therefore, for Ministers to decide which officials (including members of the Armed Services) should appear to give evidence. Select Committees have in the past generally accepted this position. Should a Committee invite a named official to appear, the Minister concerned, if he did not wish that official to represent him, might suggest to the Committee that another official could more appropriately do so, or that he himself should give evidence to the Committee. If however, these suggestions were rejected, and the Committee insisted on a particular official appearing before them they could issue a formal order for his attendance. In such an event, the official would have to appear before the Committee. Arrangements might be made, if necessary, for the official to attend, in company with his Minister. In any event, the official would remain subject to Ministerial instructions as to how he should answer questions.



## ANSWERS IN ORAL EVIDENCE

### Ministers

8. Erskine May (19th edition, page 687) states that: "when a Member submits himself to examination ... he is not at liberty to qualify his submission by stipulating that he is to answer only such questions as he pleases". It is, however, recognised that the extent to which a Minister gives a direct and full answer to a question must be a matter for his judgment, taking account of considerations of public policy. Speaking for the Government in the debate on 25 June 1979 the Chancellor of the Duchy of Lancaster said:

"Inevitably there will be occasions when Ministers will have to decide that it would not be in the public interest to answer certain questions or to disclose information. There are conventions governing these matters that the House has accepted over a long period and that the Government will respect. They are dealt with in the Procedure Committee's report, and the Committee for the most part was satisfied with them.

The Government will make available to Select Committees as much information as possible, including confidential information for which, of course, protection may have to be sought by means of the sidelining procedure. There may also from time to time be issues on which a Minister does not feel able to give a Select Committee as much information as it would like. But on these occasions Ministers will explain the reasons for which the information has to be withheld." (Hansard, 25 June 1979, column 45).

9. The conventions to which the Chancellor of the Duchy of Lancaster referred were summarised in 1967 by the then Leader of the House (Mr Crossman), and though never formally endorsed by the House have been largely followed since then. The matters on which Ministers were said to be unwilling to give them information included matters of national security, the private affairs of individuals or companies where information had been given on a



confidential basis, matters which were or might become the subject of sensitive negotiations with Governments or with other bodies, and specific cases where the Minister concerned had a quasi-judicial or appellate function. These categories are not exhaustive and Ministers should not, for example, disclose information which is commercially or financially sensitive.

10. Information may be given to Select Committees on a confidential "not for publication" basis and Ministers can ask that a Committee sit in private session, rather than in public, if they are likely to be asked for information which they would not be willing to provide except on such a basis. The decision about publication rests, however, with the Select Committee. Such matters apart, the extent to which information would be given in answer to a Parliamentary Question is a useful, but not conclusive, guideline in considering whether it should be given in answer to a question from a member of a Select Committee.

#### Officials

11. In the past, Select Committees have recognised that officials who appear before them do so on behalf of their Ministers and under their directions. A Minister may therefore instruct his officials about the manner in which they should answer questions or about matters on which they should decline to answer questions. He should, of course, be ready to appear before the Committee or the House to answer in the usual way for the conduct of his officials.

12. The Memorandum of Guidance for Officials Appearing before Select Committees says that officials should not provide information on the matters mentioned in paragraph 9. In addition, officials are advised not to express opinions on matters of Ministerial policy or indicate the advice that they or other officials have given to Ministers, and they are to avoid, so far as possible, entering into matters of political controversy.

13. There is no record of a civil servant being ordered by a Select Committee to provide a substantive answer to a question



when he has declined to do so or of a Select Committee reporting such a refusal by a civil servant to the House.

#### REQUESTS FOR PAPERS AND RECORDS

14. Select Committees normally proceed informally when calling for official documents and, subject to the important qualifications in the following paragraphs, their requests should normally be met. Ministers should see they are consulted before any request is refused. (The formal powers of the House and of Select Committees to order the production of official papers and records are complicated by a technical distinction between papers in the custody of a Secretary of State and papers in the custody of a Minister who is not a Secretary of State (see Annex, paragraph 5). This distinction would become relevant only where formal dispute arose about the production of papers.)
15. There should be no departure from the existing rule that the advice of the Law Officers to the Government and the advice of officials to Ministers, including legal advice, should not be disclosed to Select Committees. Nor should documents be produced if they fall within the categories of private or confidential material summarised in paragraph 9 above.
16. The decision about the release of other documents of the current Administration to a Select Committee is a matter of ministerial judgment. It would certainly be wrong to release documents which, by their nature, were confidential - for example, reports on staff. When questioned about official information, the Government said, however, that it would be their general practice "to make as much information as possible available, including background papers and analytical studies relevant to major policy decisions" (Hansard, 20 June 1979, column 1316). In case of difficulty it may be possible to provide a summary of an existing document as part of a fresh memorandum rather than to produce the document itself.
17. The documents of a former Administration are the property of the Government of the day, although by convention present Ministers do not have access to them. Where such documents were not released or published during the period of that Administration



they should not, as a rule, be released to a Select Committee, even at the request of the former Administration.

#### POSITION OF OTHER WITNESSES

18. Select Committees may not order Members of either House of Parliament to attend before them. Members may only be invited to attend. The same applies to Officers of the House of Lords.

19. With that exception, a Select Committee may summon a citizen of the United Kingdom as witness if he is in the United Kingdom at the time in question. A private person refusing to comply with a summons to attend or to answer questions may be ordered to attend at the bar of the House and could be subject to its penal jurisdiction. A Select Committee enquiring into the work of a Department could order the attendance of members or officials of any public body if it considered their evidence likely to be relevant. For example, a Committee could seek evidence from local authority members or officials on the effect on the authority of the policy of the Government Department into which it was enquiring, even though the Committee were not empowered to examine the policy of the local authority itself.

20. In cases of difficulty, Ministers should consult as early as possible with the Chancellor of the Duchy of Lancaster. If collective discussion seemed desirable, the matter would be referred to the Home and Social Affairs Committee.



1. Paragraphs 2 and 3 of this Annex amplify what is said in the main note about the formal powers of departmental Select Committees and about the position that might arise if the orders of a Committee were not obeyed. Paragraphs 4 and 5 give further information about the extent of the power to send for papers and records\*.

Powers: General

2. The powers of departmental Select Committees derive from the House and from their terms of reference. The House cannot delegate to a Committee more powers than it possesses itself and any individual Select Committee may exercise its delegated powers only within the area the House has defined. The terms of reference of the departmental Select Committees require the Committee to "examine the expenditure, administration and policy" of the departments concerned and "associated public bodies". It is for the Committee itself and in the last resort the House, to interpret its terms of reference. The House has granted the Committees powers to send for "persons, papers and records". Penal powers and, in particular, the power to punish for contempt are possessed by the House itself and can be exercised only by the House and not by a Select Committee.

3. If a Minister declined to comply with an invitation to appear before a Select Committee, the Committee could be expected to report the matter to the House, and the House would decide what action to take. If an official were to disobey a formal order to attend before a Select Committee, he would probably be committing a contempt of the House. (This situation has never arisen so there are no precedents to learn from.) Since the matter would be one of privilege, the Speaker would almost certainly give it precedence

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\*The subject is dealt with at length in a memorandum by the Clerk of the House, reproduced at Appendix C to the Report of the Procedure Committee. Most of what is said in this annex applies to all Select Committees of the House of Commons. It does not deal, however, with some special considerations affecting the Public Accounts Committee and the Committee for the Parliamentary Commissioner for Administration arising from the access that the Controller and Auditor-General and the Parliamentary Commissioner have to official papers.



and the Government's control over the business of the House could not prevent a debate taking place. Alternatively, but less likely, the matter could be referred to the Committee on Privileges.

#### Papers and Records

4. If a Minister or department refused to provide papers, a Select Committee would have to be certain that the papers requested fell into a category which could be required by the House. The papers concerned must:

(a) relate to a public matter in which the House or the Crown has jurisdiction;

(b) be obtainable from public offices or from corporations, bodies or offices constituted for public purposes by Acts of Parliament or otherwise, and not from a private associations or from individuals not exercising public functions; and

(c) when sought from Government Departments, be of a public and official character, and not be private or confidential.

There is no definition of what is meant by "private or confidential." Official papers are likely otherwise to be within these defined categories.

5. Where papers or records were held by a Secretary of State the Select Committee could only invite their production. If the invitation were refused the Select Committee might decide to report the circumstances to the House. The House itself could then proceed by way of an Address to the Sovereign requesting that the papers be made available. The Memorandum from the Clerk of the House reproduced in the Report of the Procedure Committee gives a number of examples mostly in the 19th century in which the House declined to make an Address. No action has been taken on a recommendation of the Procedure Committee to enable a Select Committee to claim precedence for debate in the House on a Motion



for an Address for an Order for the Return of Papers. The Government, therefore, cannot be compelled to find Government time for a debate on such a Motion.

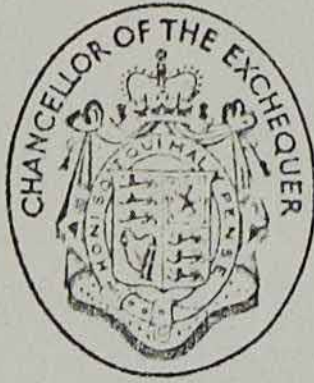
6. Where papers or records were held by a Minister who is not a Secretary of State, the Select Committee could make an Order for their production, though there is no record of this having been done. If the Order were refused the Select Committee might decide to report the circumstances to the House. In this case the refusal, being a contempt of the House, could be given precedence by the Speaker so that the Government's control over the business of the House could not prevent a debate taking place.



E-6-MAY 19800







*Parliament*

Treasury Chambers, Parliament Street, SW1P 3AG  
01-233 3000

30 April 1980

✓ NBPM  
MS

The Rt Hon Norman St John Stevas MP  
Chancellor of the Duchy of Lancaster

*Dear Chancellor of the Duchy,*

I agree entirely with your letter of 23 April to Paul Channon. In this connection you may like to see the attached proof copy of my opening remarks before the Treasury and Civil Service Committee on 14 April, and Edward du Cann's response. You may be interested to see that Edward suggested a discussion of the provision of information to the Committee (I do not intend to pick the suggestion up, though I will of course respond to any proposals that may be made).

The proof copy is of course subject to correction of errors of reporting and typography (some are marked on it) but the substance will stand. It is also the confidential property of the Treasury Committee until they decide to publish it.

I am copying this letter to the recipients of yours.

*yours sincerely*

*John Wiggins*  
(Private Secretary)

for GEOFFREY HOWE

(approved by the Chancellor & signed in his absence)



MONDAY 14 APRIL 1980

Members present:

Mr Edward du Cann, in the Chair

Mr Kenneth Baker  
Mr Anthony Beaumont-Dark  
Dr Jeremy Bray  
Mr Timothy Eggar  
Mr Michael English

Mr Terence Higgins  
Mr Robert Sheldon  
Mr Richard Shepherd  
Mr Richard Wainwright  
Mr Ken Woolmer

Examination of Witnesses

The Rt Hon Sir GEOFFREY HOWE, QC, MP, Chancellor of the Exchequer, a Member of the House, examined. Mr P E MIDDLETON, Deputy Secretary, Domestic Economy Sector, Mr F CASSELL, Under Secretary, Chief Economic Adviser's Sector, Mr J B UNWIN, Under Secretary, Central Unit, and Mr F E R BUTLER, Under Secretary, Public Services Sector, HM Treasury, called in and examined.

*Chairman*

343. Chancellor, may I welcome you on behalf of the Committee. Perhaps I could say, as Mr Unwin is here, that the liaison he has effected with the Committee has been very useful and very much appreciated. As you know, this Committee has been given a particular responsibility by the House of Commons, namely, to monitor the work of the Treasury, of the Revenue Departments, on a continuous basis, and we have already had, as I have illustrated in the case of Mr Unwin, considerable help from your officials at the Treasury, and I would like to acknowledge that. The purpose of today's discussion is to talk with you about economic policy and its operation, with especial reference to the White Paper and the Budget. You know, Chancellor, that we are engaged in a substantial inquiry into the operation of monetary policy. Indeed, you have been kind enough already to respond very fully to a questionnaire which we sent you, and we shall no doubt be having a continuing dialogue about all these matters, to which we shall look forward. What I would like to do, this afternoon, if it is agreeable to you, is not to touch upon that wider subject of the operation of monetary policy, except perhaps incidentally, but to concentrate on certain particular subjects which arise as a result of your Budget statement and the publication of the White Paper and the red book. Perhaps if I could go through the headings with you you could tell me if that would be convenient: if we could take first, probably together, public expenditure plans and such matters as the operation of the nationalised industries and housing; then take secondly

the expense of Government employment, thirdly, the position of the corporate sector; fourthly, the prospects for employment—and unemployment, of course—and fifthly, the balance of payments prospects. What I would like to do, if I might, is to put certain questions myself in the case of the first group of subjects and then the Committee will want to put questions to you, if they may, individually. You, I know, Chancellor, would like to make an opening statement to us and that we would very much welcome, but I wonder if I might cover one other domestic matter first. We saw officials, as you know, this morning and also we had a meeting with officials immediately before the Easter Recess. We think it would be a wise plan to have some discussion with you—not now but in the immediate future—about the way in which we might receive information from you and from the Treasury. We are in the early days of this Committee; we are in the early days of working out a relationship, and plainly it would be very helpful if we established a *modus vivendi* which would fit into the pattern I am sure you would like to see developing, and certainly this Committee would. You will remember, Chancellor, that the Leader of the House was extremely forthcoming in the debate which we had in the House of Commons some time back about the way in which a relationship might develop between Departments and Select Committees of the House, and it was suggested that a considerable amount of information would be made available as time went on. We would welcome that because we think it would be of assistance to us if we were in receipt of a good quantity of the



14 April 1980] The Rt Hon Sir GEOFFREY HOWE, QC, MP, [Continued  
Mr P E MIDDLETON, Mr F CASSELL, Mr J B UNWIN, and Mr F E R BUTLER

information which you yourself receive so that we could perhaps be of assistance to you in commenting upon those matters which you have to judge. As I say, I do not think we need to discuss this in depth this afternoon but it is a subject to which we would like to return and it is a subject which we would like to discuss with you as time goes on. Would you like to make an opening statement to us? If that suits you, we would be pleased?

(Sir Geoffrey Howe) If I may, I hope not at any very great length. It seems to me to be useful and right that I should respond to this, your first invitation to the first Chancellor to appear before this Committee, in its present style and form. I am obviously glad to have this opportunity of discussing the issues you have identified, particularly the Budget and the White Paper, and I hope that discussions of this kind will contribute to better understanding within Government and in the House and in the country at large. I imagine that this afternoon you will want to concentrate on the broader policy implications of the questions you have identified for me. Obviously we shall be glad to discuss with you in the appropriate way the best method of transmitting information and inquiries from us to you and from you to us, not least because I am anxious that you should have as much help as you can and that you should have that with as little additional burden on public administration and public expenditure as can be achieved because the pursuit of inquiries of this kind can be very time-consuming and expensive. I hope I do make clear that I am anxious to be as helpful to the Committee as I can because we are most concerned as a Government that our economic policies should be widely understood and that expectations should be conditioned accordingly. We recognise the importance of this Committee and the House of Commons as a place for testing those policies and for transmitting understanding of them, so it would be quite foolish to approach the dialogue with the Committee on any other basis and I hope—indeed I have noticed this in some of the observations made to and by the Committee—that you must agree that the publication for the first time of the Government's financial strategy for the medium term on both sides of the account does at least form a useful jumping-off point and helpful background for our discussion. The red book in this form seems to have been particularly

welcome as giving a clear and comprehensive account of our plans both for the year ahead and for some years thereafter. The reason for our publishing those things in that way is because of our belief in the importance of setting out clear and manageable financial parameters which, in so far as ~~we can control the Government~~ and that qualification is important—we intend to set for the economy because, as I said in the Budget speech, this should, I hope, help decision-makers throughout the economy to work with an understanding of Government policy, understanding the limits it imposes and the opportunities it presents. Obviously, therefore, I am more than willing to discuss with you the kind of issues you have identified and, indeed, others, ~~underlying~~ the rationale for the growth assumption, which I see you have had some discussion about so far, the reason we attach importance to the deceleration in monetary growth and so on. Having said all that, I must make one qualification, which I would like to do to prevent the discussion taking place on a false basis, because I think, even as did my predecessors in earlier Governments, there are certain things that it would not be in the public interest nor in the interest of wider issues for the Government to disclose to this Committee or, indeed, anywhere. I have obviously reconsidered what my predecessors have said in light of the novelty of this Committee and I have read the transcript of your first session, although not the one that has just been generated at the last hearing, and I am sure the Committee will understand it is not a question of my being obstructive or wanting to appear to be obstructive in any way, but I think there are quite solid reasons for taking the kind of view which I share with members of the administration. First of all, experience surely shows the danger of placing undue reliance on specific figures of assumptions or predictions of the future course of the economy. In most cases such figures cannot be anything more than illustrative rather than predictive, particularly when they relate to economic variables which are not in any sense under the control of Government. Where they are given, for example, in the forecast required by the Industry Act they must be used with the utmost caution and with due regard to their past margins of error. That is why the short-term forecasts we do publish are as heavily qualified as they are. Of course, that cautionary reason is not a sufficient reason in itself for not publishing such figures if it could safely

including/  
underlying/



14 April 1980] The Rt Hon Sir GEOFFREY HOWE, QC, MP, [Continued  
Mr P E MIDDLETON, Mr F CASSELL, Mr J B UNWIN, and Mr F E R BUTLER

be assumed that the figures would be received and interpreted in the manner and in the spirit in which they are presented and, indeed, understood by the Committee to which they are being presented, but, unfortunately, that is not the case. The fact is that any figure that falls from the lips—and I say this with no sense of egocentric pomposity—of the Chancellor of the Exchequer or, indeed, any Treasury officials under questioning, immediately acquires an authority out of all proportion to the status of the figure which has been so vouchsafed, an authority which is, indeed, spurious. That applies, for example, to predictions—predictions on the likely levels of unemployment, for example, which is the reason why my predecessor declined to make predictions of that kind. The second equally important reason (and it is related)—I hope you will forgive me for going into these, to avoid misunderstanding between us—is that it is undeniable that provision of information in this way can, through the response it evokes and the expectations it generates, prejudice the public interest as a whole, *and* ~~something beyond~~ even the achievement of the Government's objectives. It is true, for example, about predictions about future movements of earnings or future movements of prices. It applies to a very wide range of information which can be broadly described as market sensitive, which could prejudice or make easy the prediction of the operations of the authorities in the markets, which could lead to forestalling in the market places, *and* give unfair advantage in markets to some people as against others. It is not possible to define these things uniquely and for all time; they no doubt change with the passage of time. However, it is generally agreed, for example, that market-sensitive information would include predictions of assumptions about the future course of interest rates, *or* of the future course of the exchange rate. They include items of international sensitivity—for example, information that could affect international oil or commodity markets, or which could compromise the conduct and course of international negotiations. Those are the reasons why, I am sure you will understand, I had to ask my officials to be reticent in some areas when they were giving evidence, and why I shall have to emulate—I hope with as much grace as they did—the same kind of reticence, and answer your questions about these matters along the lines I have tried to indicate. I thought it was right for me to make these anxieties clear, so as to

avoid misunderstanding arising between us in course of discussion. I am anxious, as I say, to be as helpful as I possibly can be. The one other matter I would like to comment on is that, as I said at the beginning, we have tried to lay our economic strategy as fully as we can before the Committee and before the House. But I do want to stress our underlying belief that, just as certainty cannot be attached to precise figures in those or any other documents, and no strategy can be thought to stand or fall on any single specific assumption, so Government and, I would say, all the agencies of Government, should be—as we have tried to be—deliberately cautious and humble in making claims about what can be achieved. There are some things for which we believe we can set a firm course in relation to our own financial policies, with the object of reducing monetary growth and inflation over the medium term. However, no member of this Committee needs to be reminded by me, I am sure, that Government alone simply cannot begin to produce economic miracles, in far more areas than are within the control of Government. The response which is crucial is the response of others, and it is for us to remember that as we conduct our deliberations. I hope you will forgive such a lengthy exordium, but I thought it was perhaps helpful to indicate how I approach this meeting.

344. I can speak only for myself, and I repeat what I said earlier. The Committee does not wish to follow these matters in any depth or in any detail this afternoon; I think they are matters which are best worked out between us over a period of time. However, a little of what you say—indeed, more than a little, a good deal of what you say—surprises me somewhat, for the reason that it is only possible for this Committee to assess the operation of economic policy if it has the information; it is only possible for this Committee to report to the House of Commons its considered view if it has the information; it is only possible for the House of Commons to come to a judgment and thereby to inform the people of this country, through open debate, if this Committee has had the information it needs originally. I incline to the view—perhaps wrongly, but particularly in the context when one has read a great deal about the Budget before we actually heard your statement in the House—that, by and large, Governments tend to be obsessive over secrecy. However,



14 April 1980] The Rt Hon Sir GEOFFREY HOWE, QC, MP, [Continued  
Mr P E MIDDLETON, Mr F CASSELL, Mr J B UNWIN, and Mr F E R BUTLER

as I say, I only speak for myself, and it may be that the Committee would not share my view. I think the best thing we can do is to proceed now to the specific subjects we wanted to talk about today. The first one—public expenditure plans, nationalised industries, housing and the like—really bears exactly on the point of what I would be inclined to say. It surprised us to be told by Treasury officials that we could have no break-down of future expenditure plans by the nationalised industries. It seems to us that it is very difficult for us, if not impossible for us, to assess satisfactorily the plausibility, the feasibility, the certainty of Government's intention to carry out its financial strategy, unless some information of that sort can be provided. Is it possible for you to provide it for us, please?

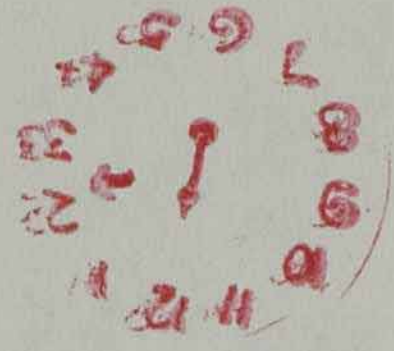
(Sir Geoffrey Howe) Not, I think, in any broken-down form, Chairman. One has got to appreciate that what one is here dealing with is the aggregate out-turn of the performance of a large number of industries, the performance of each of them depending upon changes in market conditions of a very, very wide-ranging kind. Very modest changes in the temperature of the winter, for example, or in the movement of prices, or in the many other factors that affect the growth of the economy, can vary substantially affect the out-turn performance of each one of these industries, very often in contrary directions. So that one has to try and aggregate all those as best one can, to produce the figures that are set out in the documents before you. Of course, it is right to say that the figures now before you *are* the result of considered analysis with the industries concerned, as far as the early year is concerned. However, one has seen very wide variations, has one not, in what has happened even in the last twelve months in given industries? I think that if one wanted to pursue the position of any single industry any further, that might best be done by perhaps another Committee, with the sponsoring Minister of each Department concerned. I am just, as it were, the residual banker for all these.

345. I think that every member of the Committee is very sensitive to the position in which you find yourself as banker, so to speak (and not a very enviable task it is). However, let me tell you the difficulty of the Committee. The financial targets set for the nationalised industries involve a reduction in external finance of over £2½ billion

and an increase in internally-generated finance of almost 3½ billion by 1983–84. The task that we in the Committee have is to assess whether that proposal or that target is realistic or not. At first sight, it seems, if you do not mind my saying so, very optimistic. How could you help us to make a wise assessment of those figures?

(Sir Geoffrey Howe) That is a question you are certainly entitled to ask, and it is an important one. I would like to try to deal with it in the broader sense, if I may. To begin with—one point that I think Mr Robin Butler made to one of your earlier hearings—one should not believe that the turn-round over four years of £2½ billion is something that can be categorised as a miracle and beyond belief, if one remembers that over the three years from 1974–75, during those three years, total external finance fell by about £3 billion, and our aim is an improvement of £2½ billion over four years. Obviously the figures that are set out in the White Paper as it is now before you will require revision as the circumstances develop, but I can give you a broad indication of how we think those changes will come about. In the first place, there is certainly scope for the removal of some degree of underpricing, perhaps particularly in the energy industries, and about 25 per cent of the total turn-round would be contributed by the achievements of the medium-term financial targets fixed in January of this year for the gas and electricity industries. That is the first point. In the second place, obviously we intend to help and press the industries to become more efficient and to minimise their costs. We believe that a much larger contribution to the turn-round—about 40 per cent—should therefore come from an improvement in performance by the main loss-makers (shipbuilding, steel, coal and rail). Of course, steel and shipbuilding face immense problems, but they are already taking very visible steps to raise productivity and rationalise their operations. Coal has a problem of uneconomic pits, but the coal industry is currently raising output per man-year at an encouraging rate. The coal industry's reliance on grants will be steadily reduced after 1980–81. The improvement in British Rail reflects the success in containing costs, together with a lower grant which is mainly attributable to the change in support arrangements for the British Rail Board's pension liabilities. The remaining one-third of the turn-round reflects various changes.





LEB MAY 1980



CONFIDENTIAL

✓ ms Poshame



DEPARTMENT OF TRADE  
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From the  
Minister for Trade

Peter Blaker Esq MP  
Minister of State  
Foreign & Commonwealth Office  
London  
SW1A 2AH

29 April 1980

Dear Peter,

COUNTRY ASSESSMENT PAPERS

Your letter of 15 <sup>April</sup> March 1980 to Norman St John Stevas about the proposed disclosure of Country Assessment Papers (CAPs) to the Select Committee on Foreign Affairs was copied to John Nott. I have since seen the comments in Paul Channon's letter of 21 April. I have only two points to add.

Firstly, as trade is an important factor in our relations with so many countries, I think there should be some procedure for letting this Department know which CAPs are being considered for release to the Foreign Affairs Committee (or any other Select Committee) so that we can help with any necessary updating or excisions which concern us. A simple routine notification between the staff maintaining liaison with the Select Committees would suffice for this purpose; our geographical branches would then be alerted to contact their opposite numbers in FCO where necessary.

Secondly, once the Foreign Affairs Committee has seen CAPs there is a strong possibility that the Industry and Trade Committee will ask for them too in similar circumstances. I think that any such requests would have to be met, on the same basis as requests from the Foreign Affairs Committee. In this connection, you will know that the Industry and Trade Committee intends to visit Korea, Japan and Washington in October.

I am copying this letter to the recipients of yours.

Yours  
Cecil Parkinson

CECIL PARKINSON

CONFIDENTIAL



30 APR 1980





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fjh

Parliament

25 April 1980

Select Committees: Memorandum of Guidance

The Prime Minister has seen the draft memorandum of guidance to Ministers sent under cover of your letter to me of 11 April. She is content that the Chancellor of the Duchy should clear it with colleagues, as you suggest.

I am copying this letter to David Wright (Cabinet Office).

ATS

TW

John Stevens, Esq.,  
Chancellor of the Duchy of Lancaster's Office.





cc  
CWO  
CDO

MR

10 DOWNING STREET

*From the Private Secretary*

25 April 1980

Select Committees: Memorandum of Guidance  
for Officials

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The Prime Minister has seen your letter to me of 21 April and the attached draft memorandum of guidance for officials. Subject to any comments from her colleagues, she is content for the memorandum to be circulated, in its revised form, to Departments.

I am copying this letter to John Stevens (Chancellor of the Duchy of Lancaster's Office), Murdo Maclean (Chief Whip's Office) and David Wright (Cabinet Office).

N. J. SANDERS

G.E.T. Green, Esq.,  
Civil Service Department.

PR





10 DOWNING STREET

*From the Private Secretary*

25 April 1980

The Prime Minister has seen Mr. Blaker's letter of 15 April to the Chancellor of the Duchy of Lancaster about the provision of Country Assessment Papers (CAP) to the Select Committee on Foreign Affairs, and Mr. Channon's letter of 21 April.

She agrees that it would be desirable in principle to make CAPs available to the Select Committee. On the other hand some existing CAPs contain material which renders them unsuitable for dissemination outside the Service. She thinks that the right course might be to agree to make CAPs available to the Select Committee as and when they are revised. Thereafter CAPs available to the Select Committee should be no different from those used in the Service, so that there are no problems of censored documents. Where there is a request for early production of a CAP, ahead of its next normal revision, it may be necessary to revise the CAP ad hoc in order to make it possible to comply with the request, if it contains sensitive material.

I am sending copies of this letter to the Private Secretaries to other members of Cabinet and Mr. Channon and to David Wright (Cabinet Office).

NJS

C.A. Munro, Esq.,  
Foreign and Commonwealth Office

NS



PRIME MINISTER

We have to reckon  
that the Ministers  
document will also be

SELECT COMMITTEES: MEMORANDA OF GUIDANCE

requested. However it seems

Two separate documents have been  
prepared giving guidance on procedural  
matters concerning Select Committees. One  
is for officials, and will be published.  
The other is for Ministers, which will be  
confidential.

The texts of both these documents are  
attached. I would draw your attention to  
Sir Robert Armstrong's note at Flag A  
about the memorandum of guidance to Ministers.

These texts have been worked over  
extensively in the light of comments from  
all sides. I have put a few thoughts of  
my own in already. I do not think that we  
need seek to refine them any more, if you  
are content with the policy point described  
in Robert Armstrong's minute.

May I say you are content with both  
drafts?

Yes.

mb

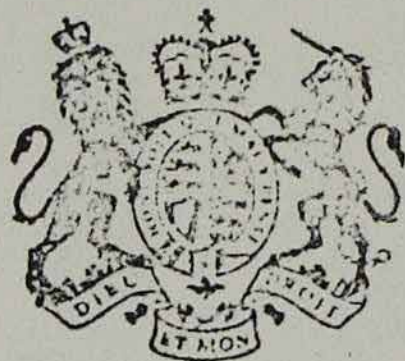
MJS

24 April 1980



Parliament  
Procedure

145



• 10 DOWNING STREET

From the Private Secretary

23 April 1980

Ten Minute Rule Bill

The Prime Minister has today answered a Parliamentary Question from Bob Cryer about the attendance of Ministers while Ten Minute Rule Bills are being discussed. The full text of the Question and Answer is as follows:

"Mr. Bob Cryer: To ask the Prime Minister, if she will ensure that a Minister from the Department responsible for the matter under discussion is present in the House whenever an honourable Member seeks leave to introduce a Bill under the Ten Minute Rule procedure.

I agree that this is a desirable practice and I hope that it will be generally observed in future."

The Prime Minister has asked me to ensure that all Ministers in charge of Departments are aware of her Answer, so that appropriate arrangements can be made.

I am copying this letter to the Private Secretaries to the members of Cabinet, including the Minister of Transport and to Bill Beckett (Law Officers' Department), Murdo Maclean (Chief Whip's Office) and David Wright (Cabinet Office).

N. J. SANDERS

John Stevens, Esq.,  
Chancellor of the Duchy of Lancaster's Office.



PRIME MINISTER



Chancellor of the Duchy of Lancaster

PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

Decisions from the CDL

23 April 1980

*See Nick*

*MJS*

(i) not to allow any more  
Subcommittees for Select  
Committees during this Session;

(2) not to back the "anti-  
Quango" Select Committee.

DEPARTMENTAL SELECT COMMITTEES

There are two matters of which the Chancellor of the Duchy of Lancaster thinks the Prime Minister should be aware since they may well be raised in the House on business questions. They are also relevant to the Cabinet's interest in the costs imposed by Parliament on Government Departments.

*Both must  
be right.  
MJS*

The first is the support given by the Liaison Committee to requests made by the Scottish Affairs, Welsh Affairs and Defence Select Committees to be granted the power to set up sub-committees.

*28/3*

... The Chancellor of the Duchy has had correspondence with Mr du Cann about this, and I enclose copies of the most recent letters. As indicated in his letter of 15 April, the Chancellor of the Duchy takes the view that there should be no further extensions of the Departmental Select Committee system during the present session and that the position should be reviewed next session, taking account, among other things, of the additional work and expense entailed for Departments if further sub-committees were established. He has it in mind to reply to Mr du Cann's letter of 17 April by saying that although he has considered the matter again he sees no reason to change that view.

... The second matter concerns the establishment of a Select Committee on non-departmental public bodies. You will have seen early day motions 568 and 169 signed by Mr du Cann, Mr Philip Holland and more than sixty Government supporters. It is, of course, for the CSD to advise on the Government's general policy towards non-departmental public bodies following the Pliatszky Report (see their factual note attached), but so far as the establishment of a Select Committee is concerned, the proposal in the motion would cut across the basis of the present Committees. This is based on each Select Committee dealing with all aspects of the work of a relevant department, including that of its "associated public bodies". It is not yet clear how the Departmental Committees are going to interpret their role in respect of "associated public bodies", but if a Committee were set up as proposed, with a general remit covering all "non-Departmental public bodies appointed out of public funds" including, for example, all the nationalised industries, there would be a clear risk of duplication of the work of the Departmental Committees. To concede the proposals would also weaken the arguments which were used in the House for not re-establishing former Select Committees on the Nationalised Industries and on



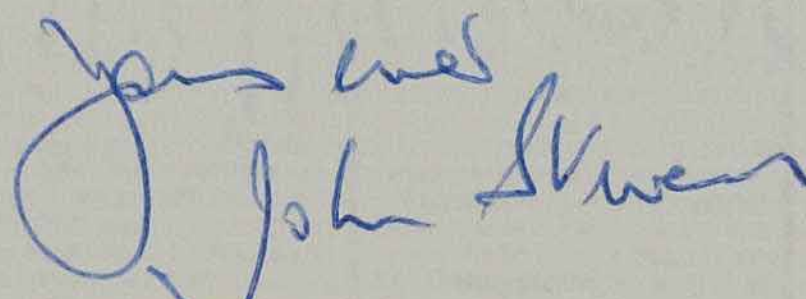
Science and Technology.

Moreover, it is envisaged that the proposed new Select Committee would specifically cover appointments to non-Departmental bodies. This involvement, especially if it developed into some form of vetting procedure, could have important repercussions on the present methods of appointment and Ministerial freedom of choice in this regard.

There are also the general arguments that it is too early to consider any change in the present Select Committee system and that the establishment of a new Committee would entail additional cost and work for Departments.

Despite, therefore, the considerable and influential support which the Motion has attracted, the Chancellor of the Duchy has it in mind to make clear in the House that the Government cannot support the proposal.

I am copying this letter to John Chilcot (Home Office) and to Murdo MacLean.

A handwritten signature in blue ink, appearing to read "John Stevens".

J W STEVENS  
Private Secretary

N Sanders Esq  
Private Secretary  
10 Downing Street  
SW1





PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

Chancellor of the Duchy of Lancaster

23 April 1980

*De Peter.*

*2 pps*

COUNTRY ASSESSMENT PAPERS

Thank you for your letter of 15 April about the provision of country assessment papers to the Select Committee on Foreign Affairs.

You will have seen Paul Channon's letter of 21 April in which he gives general support to the line you had it in mind to take. I also believe that line would be in accordance with the Government's general undertakings to the House. Could I just stress the point made in paragraph 4 of Paul Channon's letter? I hope you will make quite clear whether you are providing the Committee with a copy of an existing document or with a new (though not necessarily very different) memorandum prepared at their request.

I am copying this letter to the Prime Minister, other members of the Cabinet, Paul Channon and Sir Robert Armstrong.

*John - R.*

Peter Blaker Esq MP  
Minister of State  
Foreign & Commonwealth Office  
London SW1A 2AH



24 APR 1980







Chancellor of the Duchy of Lancaster

CC MAP

2  
PRIME MINISTER

PRIVY COUNCIL OFFICE The CDL  
WHITEHALL LONDON SW1A 2AT has reached

23 April 1980

a sensible conclusion  
after a long  
discussion among

colleagues MS  
25/4

De Paul.

I am sorry not to have replied until now to your letter of 19 March about the request made by the Education, Science and Arts Select Committee for a copy of the staff inspection report on the University Grants Committee. I wanted an opportunity to reflect on the general issues raised by your letter and by the useful comments of our colleagues on the correspondence.

As I said in my letter of 14 April to Mark Carlisle, there was a clear consensus that he should respond to the Select Committee's request by providing a special memorandum summarising the background and conclusions of the staff inspection and describing the action to be taken as a result of it. I understand that the Department of Education and Science told Christopher Price, the chairman of the Select Committee, before Easter that they had the preparation of such a memorandum in hand.

I hope this may satisfy Christopher Price and his Committee, but it may not do so and, having regard to what he has said and written about the powers of Select Committees, Christopher Price may decide to pursue, as a matter of principle, the request for a copy of the full report. I would not in any event want to pursue the tentative suggestion made in my letter of 27 February that the Report might be made available on a "sidelined" basis. We need, however, to consider further and hold in reserve the general line of argument that might need to be deployed in the House to justify withholding this report (or other similar documents) if the Select Committee sought the support of the House for a formal order that it should be made available.

We need to bear in mind the assurances that you and I have given to the House about the Government's readiness to make information available wherever possible. On 20 June 1979, in the context of our policy on official information, you undertook that the Government would provide as much information as possible "including background papers and analytical studies relevant to major policy decisions". On 25 June, during the debate on the report from the Select Committee on Procedure I gave an undertaking that the Government would make available as much information as possible to Select Committees and that where a Minister did not feel able to give a Committee as much as it would like he would explain the reasons why the information had to be withheld.

Contd...



These assurances about our practice do not, however, effect the principle that where a request is made for the release of any departmental document the Minister has complete discretion, subject, of course, to his answerability to the House, to decide whether the document should or should not be made available to a Select Committee, either in whole or in part. This applies whether the document concerned is a report, a departmental file or a minute, and whether it is in draft or in final form, and whatever its subject matter. Moreover, and recent experience confirms the importance of this point in the context of internal management documents, a Minister may decide that the right course is not to supply a document as it stands but instead to provide the Select Committee with the information they are seeking by way of a summary of the relevant document or by providing a fresh, self-contained memorandum. The recent letters from John Nott and Patrick Jenkin show that enquiries about "the Rayner scrutinies" have been satisfactorily dealt with in this way.

In deciding how to exercise their discretion, Ministers will find that some requests for the production of documents cause little difficulty. For example, there are analytical and background documents where, in the exercise of their discretion and in accordance with general policy, Ministers would normally accede to a Select Committee's request for a particular document. There may be documents that have been written with the possibility of circulation outside a department in mind which a Minister is happy to see made available to a Select Committee. On the other hand, there are some documents which can and should be withheld from Select Committees in accordance with well-established policy. These include documents which contain "advice to Ministers" in the direct sense of these words and any departmental papers relating to ministerial collective discussion. Refusal to provide such documents can be defended by reference to long-standing conventions.

Decisions about the release of documents which fall between these two extremes will naturally cause more difficulty. One important criterion that a Minister will have in mind in exercising his discretion is whether the efficient management of his department, including relations between management and staff, would be prejudiced if a particular departmental document or class of document were to be made public. We seem agreed that the staff inspection report on the University Grants Committee, and staff inspection reports generally, should be withheld for these reasons.

In other words, I suggest that refusal to release the report can be explained to the House as a particular example of a general ministerial discretion to decide whether or not a particular departmental document should be made available; and that a decision to provide a self-contained memorandum rather than to release the staff inspection report in full could be successfully justified on the grounds that release would be harmful to efficient management. The same arguments would need to be used if other Select Committees pressed to see staff inspection reports or similar documents. I believe they would be consistent

Contd...



with continued willingness to honour the undertakings we have given to the House.

I am copying this letter to other Cabinet colleagues, to Norman Fowler and to Sir Robert Armstrong and Sir Derek Rayner.

*Yours*

*Norman St John-Steers*

Paul Channon Esq MP  
Minister of State  
Civil Service Department  
Old Admiralty Building  
Whitehall  
SW1



25 APR 1960

12 1 2 3 4  
5 6 7 8 9 10 11





## GOVERNMENT ACTION ON NON-DEPARTMENTAL PUBLIC BODIES

Note by the Civil Service Department

1. In recent years there has been mounting concern in Parliament about the number of non-departmental public bodies, their accountability and the extent of Ministerial patronage they involve. Mr Holland, in particular, has drawn attention to the number and cost of these bodies in "Quango, Quango, Quango, Quango" and "Costing the Quangos". (It should be noted that Mr Holland's definition of quango is much wider than that used in Sir Leo Pliatzky's report).

2. It was against this background of mounting concern that the Government last year undertook a comprehensive review of non-departmental bodies. The survey made by Sir Leo Pliatzky identified:

(a) 489 bodies with functions of an executive character, involving expenditure of £5800 million and employing 217,000 staff in 1978/79;

(b) 1561 advisory bodies, involving departmental costs of about £13 million;

(c) 67 tribunal systems with costs of about £30 million.

These figures exclude the nationalised industries, the National Health Service, Agricultural Marketing Boards and certain other public corporations, all of which were the subject of separate reviews. and were not, therefore, covered by Sir Leo's exercise.

3. Sir Leo's "Report on Non-Departmental Public Bodies" was published in January (Cmnd. 7797). It announced decisions by the Government which will lead to the abolition of some 30 executive bodies and over 200 other bodies at an estimated saving of about £11 million in a full year. In addition, the Government cut £350 million from the planned expenditure for this year of the largest non-departmental bodies.



4. A number of bodies are still under review and will be the subject of a "mopping-up operation" leading to the announcement of decisions towards the end of the year.

5. The Government accepted several general recommendations put forward in Sir Leo's report about the future control of non-departmental bodies. These were:

(a) further periodic reviews of these bodies will be made from time to time;

(b) the Government will adopt a more cautious and selective approach to the creation of new bodies;

(c) the Government is opposed to a policy of further hiving-off of functions to public bodies;

(d) the Government has accepted the "lessons for the future" set out in Cmnd 7797 concerning control and accountability of non-departmental bodies.

6. The decisions already announced will lead to a reduction of some 3,700 in the number of appointments made by Ministers.

CSD

22 April 1980





28 APR 1954





PRIME MINISTER

Cabinet Office advice on a  
Select Committee paper handling  
issue. I recommend that  
you endorse it. Content to do so?

Ref. A01987

MR. SANDERS

*Yes*

*MS  
24/4*

Foreign Affairs Committee: Disclosure of Country  
Assessment Papers

(A) — You will have seen Mr. Peter Blaker's letter of  
15th April to the Chancellor of the Duchy of Lancaster,  
(B) — and Mr. Channon's comment of 21st April upon it.

2. The Prime Minister may be content to leave this  
as it stands; but I wonder if the draft attached is a  
slightly more satisfactory way of dealing with the  
problem raised in paragraph 4 of Mr. Channon's letter  
than what is actually proposed.

*RA*

ROBERT ARMSTRONG

22nd April, 1980



type for MS

DRAFT LETTER TO THE PRIVATE SECRETARY  
TO PETER BLAKER, ESQ., MP, MINISTER OF  
STATE, FCO

The Prime Minister has seen Mr. Blaker's letter of 15th April to the Chancellor of the Duchy of Lancaster about the provision of Country Assessment Papers (CAP) to the Select Committee on Foreign Affairs, and Mr. Channon's letter of 21st April.

She agrees that it would be desirable in principle to make CAPs available to the Select Committee. On the other hand some existing CAPs contain material which renders them unsuitable for dissemination outside the Service. She thinks that the right course might be to agree to make CAPs available to the Select Committee as and when they are revised. Thereafter CAPs available to the Select Committee should be no different from those used in the Service, so that there are no problems of censored documents. Where there is a request for early production of a CAP, ahead of its next normal revision, it may be necessary to revise the CAP ad hoc in order to make it possible to comply with the request, if it contains sensitive material.

I am sending copies of this letter to the Private Secretaries to other members of the Cabinet and Mr. Channon, and to David Wright.





Civil Service Department

Whitehall London SW1A 2AZ

Telephone 01-273 3000

Minister of State

N J Sanders Esq  
10 Downing Street  
LONDON SW1

21 April 1980

Dear Nick,

MEMORANDUM OF GUIDANCE FOR OFFICIALS

You pointed out to me early in February an evident discrepancy between the revised version of the Memorandum of Guidance for Officials appearing before Select Committees and the parallel draft Memorandum for Ministers. Since then the Cabinet Office have kept us in touch with the text of the Memorandum for Ministers, and so far as we are aware there are no further inconsistencies, though the two Memoranda are of course complementary and the one for officials (which has to be an "open" document) is less explicit in certain aspects about the powers of Committees. The opportunity has been taken to make a small number of more minor changes.

... Copies of the earlier version of the Memorandum for Officials and of the proposed amendments are enclosed. There is only one point about the proposed amendments on which I need comment. You will see that the redraft of paragraph 39 does not say anything about the circumstances in which Ministers should consult the Prime Minister about requests for the release of documents of a previous Administration. This is because the Memorandum for Officials is to be made available to the House and the Press. The Minister of State suggests, therefore, that if instructions are required about consultation with the Prime Minister on this subject, it might be appropriate to include them in the Memorandum for Ministers.

I should be grateful to know whether the Prime Minister would be content for the Memorandum for Officials to be circulated as revised, to departments.

Since Ministers in charge of departments saw the original draft, I am sending copies of this letter and enclosures to John Stevens and other Private Secretaries for information.

Yours sincerely  
Gary Rogers

G D ROGERS  
Assistant Private Secretary



12 APR 1980





## MEMORANDUM OF GUIDANCE FOR OFFICIALS - ADDITIONAL AMENDMENTS

Paragraph 2, penultimate line: "a liaison committee" replaced by "the Liaison Committee".

Paragraph 8, third line: "call for evidence" replaced by "seek evidence".

Paragraph 9: following paragraph substituted -

"9. Officials appearing before Select Committees do so on behalf of their Ministers. It is customary, therefore, for Ministers to decide which officials (including members of the Armed Services) should appear to give evidence. Select Committees have in the past generally accepted this position. Should a Committee invite a named official to appear, the Minister concerned, if he did not wish that official to represent him, might suggest that another official could more appropriately do so, or that he himself should give evidence to the Committee. If a Committee insisted on a particular official appearing before them they could issue a formal order for his attendance. In such an event the official would have to appear before the Committee. He would remain subject to Ministerial instructions as to how he should answer questions."

Paragraph 18, second line: "arrangements governing classified information" replaced by "conventions governing classified information".

Paragraph 19, lines 2-4: "Occasionally ... self-evident" replaced by "Occasionally, however, Committees may enquire into subjects which span the work of more than one Department, or where departmental responsibility is not self-evident".

Paragraph 22, last 3 lines: "In these cases ... accepted" replaced by "In these cases too, Ministers should be consulted".

Paragraph 25(v), lines 1 and 5: "information of a commercial nature" and "commercial information" replaced by "information of a commercial or economic nature" and "commercial or economic information".

Paragraph 26, 8 lines from end: sentence omitted-"This is a factor ... (see paragraph 9)"; and "also" at the beginning of the next sentence

Paragraph 28, line 2: "if in doubt" omitted; and in line 3 "meeting or refusing" replaced by "dealing with"

Paragraph 36(iv), line 1: "normally" replaced by "always"

Paragraph 38: following paragraph substituted -

"38. Requests for documents which go beyond a description of the existing organisation of a Department and deal with methods of operation (eg arrangements for formal and informal co-ordination or for delegation of authority) or with reviews of existing departmental organisation or methods may raise more difficult questions, since these will



frequently be internal working papers. Even here, however, the presumption should be that information on these matters should be provided, in an appropriate form, unless it would conflict with the guidance in paragraph 25 above. Ministers should be consulted about any requests for information of this kind. Except where particular arrangements have been made public, information about interdepartmental organisation may present more difficulty (see paragraphs 26-27)."

Paragraph 39: following paragraph substituted -

"39. There are well-established conventions which govern the withholding of policy papers of a previous Administration from an Administration of a different political complexion. Since officials appear before Select Committees as representatives of their Ministers and since Select Committees are themselves composed on a bipartisan basis, it follows that officials should not provide a Select Committee with papers of a previous Administration which they are not in a position to show to present Ministers. If such papers are sought, Ministers should be consulted about the request. The general rule is that documents of a former Administration which have not been released or published during the period of that Administration should not be released or published by a subsequent Government. Where Ministers propose to make an exception, it would be necessary to consult a representative of the previous Administration before showing the papers either to present Ministers or, with Ministers' agreement, releasing them to a Select Committee."



SELECT COMMITTEES - MEMORANDUM OF GUIDANCE FOR OFFICIALS

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## SELECT COMMITTEES

### MEMORANDUM OF GUIDANCE FOR OFFICIALS

#### INTRODUCTION

This note is intended to give guidance to officials who may be called to give evidence before, or to prepare memoranda for submission to, Parliamentary Select Committees. It supersedes General Notice GEN 76/78 and Addendum and General Notice GEN 78/11. While it is primarily intended to cover the Select Committees of the House of Commons, it is also generally applicable to Select Committees of the House of Lords. It may not always be literally applicable to the Public Accounts Committee, in view of the special position of Accounting Officers and the access of the Comptroller and Auditor General to departmental records. Supplementary guidance on the procedure to be followed in respect of the Commons Select Committee on European Secondary Legislation (and the corresponding House of Lords Select Committee on the European Communities) and on the handling of European Community documents is issued separately by the Cabinet Office. Guidance in dealing with the Joint and Select Committees on Statutory Instruments is provided in the "Handbook on Statutory Instrument Procedure".

#### SELECT COMMITTEE SYSTEM

##### General Description

2. The scope of the Select Committee system of the House of Commons has varied from time to time. The significance of the title is that the Committee's membership is "selected" for a particular task, generally of enquiry. The main practical House distinction lies between such Committees, with their role of investigation and scrutiny, and "Standing Committees", concerned with the examination of particular legislation and with their procedure based on debate rather than the taking of evidence. Some Select Committees (hereafter referred to as "Committees") are embodied in the Standing Orders of the House. Others are on a sessional basis, and can be established and their work completed within a matter of weeks or months. Some are Committees with a purely House function (eg the Committee of Selection), with which Departments will not normally come into contact. The principal Commons Select Committees with which this memorandum is concerned are those related to Government Departments (see paragraph 4); the Public Accounts Committee; the Committee on the Parliamentary Commissioner for Administration; the Committee on European Secondary Legislation; and the Services Committee (concerned with House administration). Certain co-ordinating functions on behalf of the various Commons Committees are carried out by a liaison committee; the normal Government contact with this is through the Leader of the House.

3. In the House of Lords, the European Communities Committee and its Sub-Committees regularly seek written and oral evidence from Departments. There is a sessional Select Committee on Science and Technology with power to appoint sub-committees and to co-opt further members for this purpose. In addition there is generally one ad-hoc Select Committee in the Lords (at present the Select Committee on Unemployment) which takes evidence from Departments.



## Committees Related to Government Departments

4. The Committees related to Government Departments and the principal Departments concerned are:

Agriculture	Ministry of Agriculture, Fisheries and Food
Defence	Ministry of Defence
Education, Science and Arts	Department of Education and Science
Employment	Department of Employment
Energy	Department of Energy
Environment	Department of the Environment
Foreign Affairs	Foreign and Commonwealth Office
Home Affairs	Home Office
Industry and Trade	Department of Industry, Department of Trade
Social Services	Department of Health and Social Security
Transport	Department of Transport
Treasury and Civil Service	Treasury, Civil Service Department, Board of Inland Revenue, Board of Customs and Excise

There is also a Committee on Scottish Affairs related to the Scottish Office and a Committee on Welsh Affairs related to the Welsh Office. The Committees on Foreign Affairs, Home Affairs and the Treasury and Civil Service each have power to appoint one investigative sub-committee. A joint sub-committee may be set up from time to time to consider any matter affecting two or more nationalised industries, with members drawn from the departmental Committees concerned. Matters within the responsibilities of the Secretary of State for Northern Ireland will be considered by the existing Committees as necessary.

5. The general terms of reference of these Committees are as set out in Standing Orders No. 86A, 86B and 86C (Appendix A of this Memorandum). The Committees are entitled to examine the expenditure, administration and policy of the principal Government Departments, and also of their "associated public bodies". The terms of the Standing Orders do not define "associated public bodies" but the Chancellor of the Duchy of Lancaster said in his speech on 25 June 1979 that:

"The Government also accept the Procedure Committee's view that the Committees must be able to look at the activities of some public bodies that exercise authority of their own and over which Ministers do not have the same direct authority as they have over their own Departments. The test in every case will be whether there is a significant degree of ministerial responsibility for the body concerned".

Associated public bodies therefore include all nationalised industries, fringe bodies and other Governmental organisations within the responsibilities of the Department or Departments concerned for which Ministers are ultimately answerable. They do not, however, include bodies for which Ministers are not answerable to Parliament, even though these bodies may be in receipt of Government funds. There will no doubt be borderline cases, but in general the existing principles of Parliamentary accountability can be applied.



## Powers of the Committees

6. Select Committees (and their sub-committees) normally have the power to "send for persons, papers and records". This power is understood as a power to "order" the attendance of persons and the submission of papers, but its interpretation and its application to Ministers are examined in detail in the memorandum by the Clerk of the House which was reproduced at Appendix C to the First Report from the Select Committee on Procedure, Session 1977-78.

7. Any official who appears before a Select Committee or who submits papers to it does so on behalf of his Minister. As the Procedure Committee emphasised in their Report:

"The over-riding principle concerning access to government information should be that the House has power to enforce the responsibility of Ministers for the provision of information or the refusal of information. It would not, however, be appropriate for the House to seek directly or through its committees to enforce its rights to secure information from the Executive at a level below that of the ministerial head of the department concerned (normally a Cabinet Minister), since such a practice would tend to undermine rather than strengthen the accountability of Ministers to the House".

In practice, Committees normally proceed on the basis of "requests" for departmental witnesses and evidence rather than through the exercise of formal powers.

8. It should be noted that, in addition to examining the expenditure, administration and policy of Government Departments and associated public bodies, Select Committees are free to call for evidence from whomsoever they please, and are entitled to require the production of papers by private bodies or individuals so long as these are relevant to the Committees' work.

## Summoning of Named Officials

9. Since officials appearing before Select Committees do so on behalf of their Ministers, it is ultimately for Ministers to decide which officials appear to give evidence. Official evidence to Committees is normally given by officials (including members of the Armed Services) specifically nominated by Departments for this purpose. Committees have in the past generally accepted this position. If, however, a Committee summoned by name any other official to appear, it would be open to the Minister responsible either to offer to give evidence himself or to nominate an official to give evidence on his behalf. If a Committee insisted on a particular official appearing before them, it would be for Ministers to decide what course to follow. The considerations referred to in paragraphs 6-7 above would be relevant.

## Open Sessions

10. Select Committees often admit the public and Press to hearings, and it is possible that proceedings may be broadcast. Departments may wish to ascertain from the Clerk to the Committee beforehand whether particular proceedings are to be recorded. Arrangements for the treatment of confidential information in oral evidence are referred to in paragraphs 44-46 below.



## Liaison Officers

11. Departments may wish to consider appointing a liaison officer to be the main channel for communications between the Department and the Select Committee and its Clerk. The Clerks to the Select Committees will usually be glad to talk informally to Departments about their Committees' work and to co-operate by, for example, providing the Departments most concerned with the confidential proofs of evidence taken by the Committee.

## Committee Staff

12. Responsibility for staffing support for Committees rests with the House of Commons Commission. The departmental Committees have, however, been given power to appoint "persons with technical knowledge" either to supply information which is not readily available or to elucidate matters of complexity within the Committees' orders of reference. The Committees will thus be able if they wish to retain the services of experts, not only to assist with particular enquiries but to advise on future enquiries or to deal with problems arising in the course of enquiries. If Departments are asked by Committees to undertake research work or surveys on their behalf, it may be possible to meet such requests by the utilisation of existing information, modified as appropriate. But if the new work involved is likely to be substantial, and the Committee has power to appoint its own specialist advisers, it may be appropriate to suggest to the Committee that it considers this alternative, or possibly the employment of private research agencies or universities.

## Travel Overseas

13. Committees may wish to travel abroad, and to take evidence in extra-territorial conditions. It has been informally agreed with the Clerk of the House that "early warning" will be given at the official level if a Committee contemplates foreign travel, but Departments should ensure that the Foreign and Commonwealth Office is informed as soon as it is known that a Committee is proposing to travel overseas. Departments may obtain advice on proposals by Committees to travel abroad from the Foreign and Commonwealth Office (Parliamentary Commissioner and Committees Unit, 233-3952 or 233-3542).

## Ministerial Statements

14. It is desirable for Committees to be given warning where possible about impending Ministerial statements on matters which are relevant to specific enquiries which Committees are currently undertaking. A convenient method is by way of notification to the Clerk at the same time as the Whips inform the Opposition, which is normally at noon on the day of the statement. This notification to the Clerk would be of the fact that the statement is to be made, but not including the text of the statement itself.

## PROVISION OF EVIDENCE

### General

15. The general principle to be followed is that it is the duty of officials to be as helpful as possible to Committees, and that any withholding of information should be limited to reservations that are



necessary in the interests of good government or to safeguard national security. Departments should, therefore, be as forthcoming as they can (within the limits set out in this note) when requested to provide information whether in writing or orally. This will also help to secure that the reports of Committees are as soundly based on fact as possible. Oral evidence is recorded verbatim. When oral evidence is to be given, it is advisable for Departments to send at least two witnesses so that they can divide between themselves the responsibility for answering questions. Because officials appear on behalf of their Ministers, Departments might want to clear written evidence and briefing with Ministers. It may only be necessary for Ministers to be consulted should there be any doubt among officials on the policy to be explained to the Committee. However, Ministers are ultimately responsible for deciding what information is to be given and for defending their decisions as necessary, and Ministers' views should always be sought if any question arises of withholding information which Committees are known to be seeking.

#### Accuracy of Evidence

16. Officials appearing before Select Committees are responsible for ensuring that the evidence they give is accurate. They are reminded to take particular care to see that they are fully and correctly briefed on the main facts of the matters on which they expect to be examined. Should it nevertheless be discovered subsequently that the evidence unwittingly contained errors, these should be made known to the Committee at the earliest possible moment.

#### Informal Discussions

17. Some Committees may occasionally conduct informal discussions in addition to taking formal evidence. When that occurs officials should apply the same considerations as apply to formal evidence, because the supply of information informally can affect a Committee's report as much as formal evidence.

#### Status of Information Supplied

18. Once information has been supplied to a Committee, it becomes "evidence" and, subject only to the arrangements governing classified information (see paragraphs 45-46), it is entirely within the competence of the Committee to report and publish it or to refrain from doing so. Letters addressed to the Clerk to the Committee, however informal, are strictly speaking "evidence" and liable to be published.

#### Inter-Departmental Liaison

19. Generally speaking the subjects of enquiry by Select Committees will fall clearly within the responsibilities of particular Departments. Occasionally, however, problems may arise when Committees enquire into subjects where departmental responsibility is not self-evident. The aim must be to ensure that Committees direct their questions on each aspect of such subjects to the Department chiefly concerned with that aspect, and do not question Departments whose role is that of co-ordination about matters which go outside that role. This indicates that where in such cases the Committee needs a memorandum covering the interests of several Departments, it may be better for this to be submitted by the Department with the predominant role in the field concerned (rather than by a co-ordinating office such as the Cabinet Office). If the Committee then asks that Department questions (whether in writing or orally) proper to some other Department, they can be re-directed.



20. In these cases it is clearly desirable for all the Departments concerned, in accordance with normal procedure, to keep in touch in the preparation of their evidence - eg by exchanging drafts. Where there is no co-ordinating machinery already available for this purpose it may be best for the Department with the predominant role to act as a central point. Since there is no separate Select Committee for Northern Ireland, a Department with this role should particularly ensure that Northern Ireland interests are taken into account as necessary. It is important that Departments should clear with any other Department which may have an interest both memoranda and the line to be taken in oral evidence, even if the time for this is short.

21. Greater difficulties may arise when the subject under enquiry is one in which no Department can be said to have a predominant interest; where in such cases the Committee needs a memorandum covering the interests of several Departments - eg setting out the range of Government activities in the field concerned - it may well be necessary for the body which co-ordinates Government action in that field to submit it. It seems desirable, however, so to organise such memoranda as to indicate, for each aspect covered, which Department is primarily responsible and at least by implication the limitations of the co-ordinating responsibility. This should assist the Committee in summoning the witnesses appropriate to the aspects it wishes to investigate at each session; and if the questions asked are misdirected, no doubt the witnesses will say so.

22. Normally the Cabinet Office and other similar co-ordinating offices will not be required to give evidence to a Committee, but the Central Policy Review Staff may give evidence about their published work. Requests for CPRS evidence on other matters, and requests for other evidence from co-ordinating offices such as the Cabinet Office and "non-departmental" units or officials, should be referred to Ministers. A Committee might seek evidence from a particular official (for example the head of the Government Statistical Service) who is not directly answerable to a departmental Minister but who in his professional capacity has a special knowledge of the subject of an enquiry. In these cases too, Ministerial approval is required before an invitation to give evidence is accepted.

#### LIMITATIONS ON THE PROVISION OF INFORMATION

##### General

23. Committees' requests for information should not be met regardless of cost or of diversion of effort from other important matters. It might prove necessary to decline requests which appeared to involve excessive costs. It may be necessary for a Department to consult their Minister if a particular request seems to involve an unreasonable amount of extra work.

24. The Procedure Committee recognised that there may be occasions when Ministers may wish to resist requests for information on grounds of national security. Appendix C of the Committee's Report (the memorandum by the Clerk of the House) reproduces the text of a letter of 9 May 1967 to the Chairmen of certain Select Committees from the then Lord President of the Council and Leader of the House, which refers (among other limitations on the provision of information) to "information affecting national security, which would normally be withheld from the House in the national interest". Guidance to departments on the release of classified information to Committees is given in the manual "Security in Government Departments". This manual is the overriding authority; what follows must be read subject to its guidance. Officials must not disclose information which the manual says must be withheld; they should consult their Departmental Security Officers if in doubt.



25. Officials should not give evidence about or discuss the following topics:

i. In order to preserve the collective responsibility of Ministers, the advice given to Ministers by their Departments should not be disclosed, nor should information about interdepartmental exchanges on policy issues, about the level at which decisions were taken or the manner in which a Minister has consulted his colleagues. Information should not be given about Cabinet Committees or their discussions (see paragraphs 26-28).

ii. Advice given by a Law Officer (see paragraph 31).

iii. The private affairs of individuals or institutions on which any information held by Ministers or their officials has been supplied in confidence (including such information about individuals which is available to the Government by virtue of their being engaged in or considered for public employment).

Officials should also, where possible, avoid giving written evidence about or discussing the following matters. Where appropriate further guidance is provided in the succeeding paragraphs:

iv. Questions in the field of political controversy (see paragraphs 29-30).

v. Sensitive information of a commercial nature, eg knowledge which could affect the financial markets, without prior consultation with the Chancellor of the Exchequer; sensitive information relating to the commercial operations of nationalised industries, or to contracts; commercial information which has been given to the Government in confidence, unless the advance consent of the persons concerned has been obtained (but see paragraph 48 on the kind of contract information which may, in certain circumstances, be provided).

vi. Matters which are, or may become, the subject of sensitive negotiations with Governments or other bodies, including the European Community, without prior consultation with the Foreign and Commonwealth Secretary, or in relation to domestic matters the Ministers concerned (see paragraph 32).

vii. Specific cases where the Minister has or may have a quasi-judicial or appellate function, eg in relation to planning applications and appeals, or where the subject-matter is being considered by the Courts, or the Parliamentary Commissioner (see paragraphs 33-34).

Where, exceptionally, matters such as iv-vii have to be discussed, application may be made for "sidelining" (see paragraph 46). There is no objection to saying in general terms why information cannot be given and it is very unusual for a Committee to press an official who indicates that he is in difficulty on such grounds in answering a question. If however this happens, it may be best to ask for time to consider the request and to promise to report back. Paragraphs 6-7 should be referred to.

#### Collective Responsibility

26. Departmental witnesses, whether in closed or open session, should preserve the collective responsibility of Ministers and also the basis of confidence between Ministers and their advisers. Except in a case involving an Accounting Officer's responsibility (see C8 and 9 of "Government Accounting") the advice given to Ministers, which is given



in confidence, should not therefore be disclosed, though Departments may of course need to draw on information submitted to Ministers. It is necessary also to refuse access to documents relating to interdepartmental exchanges on policy issues. Equally the methods by which a current study is being undertaken, eg by the Central Policy Review Staff, should not normally be disclosed without the authority of Ministers, unless they have already been made public. Nor should Departments reveal the level at which decisions were taken. This is a factor which may need to be borne in mind when deciding whether particular witnesses should appear, or should appear separately (see paragraph 9). It should also be borne in mind that decisions taken by Ministers collectively are normally announced and defended by the Minister responsible as his own decisions, and it is important that no indication should be given of the manner in which a Minister has consulted his colleagues (see also paragraph 31 on the special position of the Law Officers).

27. In no circumstances should any Committee be given a Cabinet paper or extract from it, or be told of discussions in a Cabinet Committee. Nor should information be given about the existence, composition or terms of reference of Cabinet Committees, or the identity of their chairmen, beyond that information disclosed by the Prime Minister in answer to a Parliamentary Question on 24 May 1979 (see Appendix B), and if witnesses are questioned on such matters they must decline to give specific answers. There is, however, no objection to pointing out in general terms that consultation between Departments runs through the whole fabric of government and occurs at all levels both official and Ministerial.

28. Departmental files will tend to concern the matters referred to in paragraph 25 above, and if in doubt Departments should consult their Ministers, and should also advise the Civil Service Department when meeting or refusing any request by a Committee to see or have quoted verbatim any interdepartmental correspondence or internal minutes. The PAC is in a special position in view of the C & AG's access to departmental papers, and in considering any request from it for access to departmental papers the Treasury should be consulted in addition to the Civil Service Department. In the special case of the Select Committee on the Parliamentary Commissioner, it may be necessary to quote from departmental documents in connection with Parliamentary and Health Service Commissioner cases. But it is not the practice of the Committee to require evidence which would amount to the "re-trial" of a Parliamentary or Health Service Commissioner case.

#### Policy

29. Official witnesses, whether administrative, professional or Services, should as far as possible confine their evidence to questions of fact relating to existing Government policies and actions. Officials should be ready to explain what the existing policies are and the objectives and justification, as the Government sees them, for those policies, and to explain how administrative factors may have affected both the choice of policy measures and the manner of their implementation. It is open to officials to make comments which are not politically contentious but they should as far as possible avoid being drawn, without prior Ministerial authority, into the discussion of alternative policy. If official witnesses are pressed by the Committee to go beyond these limits, they should suggest that the questioning be addressed, or referred, to Ministers. If there is a likelihood of a material issue of policy being raised by a Committee in its questioning of official witnesses, Departments will wish to consult Ministers beforehand. (On appearance by Ministers, also see paragraphs 6-7.)



30. A Select Committee may invite specialist (as opposed to administrative) civil servants to discuss the professional or technical issues underlying controversial policies. This may raise particular problems in the case of, for example, economists, if Committees discuss issues of economic reasoning which bear upon controversial policy questions and which are also matters of technical and professional controversy among economists. When this is so, and where Economic Advisers to the Government appear as official witnesses, they may find themselves in the difficulty that their own judgement on the professional issues has, or might easily appear to have, implications critical of the Government's policies. It is not open to them to explain the advice which they have given to the Government on such a matter, or would give if asked by the Government. They cannot therefore go beyond explaining the economic reasoning which, in the Government's view, justifies their policy. This will only be possible where the underlying theory has indeed been explicitly formulated; and the status of what was being presented would have to be made clear. If there is no quotable public evidence of a Government view and the witness is asked for his own professional judgement on the issue, or his judgement of the view that the Government would be likely to take, he should refer to the political nature of the issue and suggest that the questioning be addressed or referred to Ministers. Similar considerations apply in the case of other specialist civil servants.

#### Advice Given by a Law Officer

31. There should not be disclosed to a Committee any advice that may have been given by the Law Officers. There is a well established convention that the advice which Law Officers give to Ministers is confidential. It is only when Law Officers expressly authorise the disclosure of that advice, or themselves report to or advise Parliament or a Committee, that such advice is revealed.

#### International Relations

32. Negotiations with other Governments are normally conducted in strict confidence. Officials should take care in discussing or giving written evidence on matters which may affect relations with other Governments or bodies, including the European Community, or relations between British officials and those of other Governments. Texts of communications between Governments, unless already made public, should be regarded as confidential and should not be submitted as evidence without prior approval of the Minister concerned.

#### Matters Sub-Judice

33. Committees are subject to the rules by which the House regulates its own conduct and that of its Members. It is normally possible to work on the assumption that if a matter already before the Courts seemed likely to come up for discussion before a Committee, the staff of the House would have drawn the attention of the Chairman to the relevant rules of the House relating to discussion of sub-judice questions. But the Chairman has an overriding discretion to determine what is appropriate in the hearing of evidence.

34 Officials should take care in discussing or giving written evidence on matters which may become the subject of litigation but which as yet do not strictly come under the rules which preclude discussion on sub-judice questions. Such caution should be exercised whether or not the Crown is likely to be a party to the litigation. If such matters seem likely to be raised when a Committee takes evidence, officials should first consult with their own departmental solicitor or the Treasury Solicitor for advice on how to handle the questions which might arise.



## Reports Commissioned by Departments

35. On a number of occasions Committees have made requests to see copies of reports commissioned by Departments. These requests can often cause particular difficulty. Such reports may come from a variety of sources, ranging from the purely internal working group to the major outside Committee, but where publication was not intended. The fact that a report is known to have been prepared does not of itself oblige a Department to reveal its contents. In deciding whether to accede to requests for particular reports the primary consideration must always be the contents of the document concerned, ie whether it contains classified information or information of the kinds discussed elsewhere in this memorandum which should not normally be disclosed.

36. In addition the following considerations may be relevant:

i. While Select Committees should not press for internal advice to Ministers to be revealed, they are less likely to accept without argument a refusal to reveal a report from a departmental committee containing outside members, and even less likely to accept a refusal in the case of a wholly external committee. In particular, they will be understandably reluctant to accept a refusal where the establishment of the committee in question has been announced, together with its membership and terms of reference, and where its report is known to exist. These implications need to be taken into account in deciding how much publicity should be given to the establishment of committees of this kind.

ii. In particular cases Departments may consider that, while a report cannot be published, it would be helpful to provide it to a Committee, provided it was treated in confidence (see paragraph 43).

iii. In certain cases, where a Select Committee might reasonably expect to receive a certain amount of detailed information, Departments may be able to provide a written memorandum in place of the report itself. If Departments can assist Committees in this way, it is generally desirable to do so.

iv. Departments should normally seek the views of Ministers before refusing a request from a Select Committee for a particular report, since the Minister might be called on to defend the decision to the Committee personally.

## Documents Relating to the Internal Administration of Government

37. The Procedure Committee recommended that:

"Select committees should regard any refusal by government departments to provide information relating to departmental or interdepartmental organisation - unless fully explained and justified to their satisfaction - as a matter of serious concern which should be brought to the attention of the House".

A considerable amount of information about the internal distribution of business is already available in published form (eg in the Civil Service Year Book ) and the normal presumption should be that more detailed



information about Departments' organisational structure, such as directories and organisation charts, should be provided to Committees if it is requested. Where a description of duties of a sensitive nature necessitates the revelation of classified information, the considerations relating to classified documents (see paragraphs 43-46) should apply.

38. Requests for documents which go beyond a description of the existing organisation of the Department and deal with methods of organisation (eg arrangements for formal and informal co-ordination or for delegation of authority) or with reviews of existing departmental organisation or methods may raise more difficult questions. Even here, however, the presumption should be that information should not be withheld unless it would conflict with the guidance in paragraph 25 above. Ministers should be consulted in any case where it is proposed that information of this kind requested by a Committee should be withheld. Except where particular arrangements have been made public, for example the organisation set up to support the Inner City partnerships, information about interdepartmental organisation may present more difficulty (see paragraphs 26-27).

#### Documents of a Previous Administration

39. There are well established conventions which govern the withholding of policy papers of a previous Administration from an Administration of a different political complexion. Since officials appear before Select Committees as representatives of their Ministers and since Select Committees are themselves composed on a bipartisan basis, it follows that officials should not volunteer to a Select Committee papers of a previous Administration which they are not in a position to show to present Ministers. If such papers are requested, the previous Administration should be consulted before these are shown either to present Ministers or, with Ministers' agreement, to a Select Committee.

#### TREATMENT OF EVIDENCE

##### Open Sessions

40. Unclassified memoranda prepared by Departments for a Committee may be published by the Committee before its full report is presented to the House, and may be available to the Press and public at the time of the related session. Open sessions of Committees often attract publicity since evidence before them may be reported forthwith by the Press. Departments are in these circumstances free to comment immediately to the Press on matters raised in their evidence. If a Select Committee takes evidence in public from a Minister or senior official, therefore, it may be considered desirable for a Press Officer also to attend, so as to be able to answer Press queries. Such Press briefing should not, however, extend to comment on matters of policy since such comment might be regarded as impeding the Committee in its task and hence as contempt. Care should be taken not to go beyond the evidence given by the Minister or official in commenting on any suggestion made by another witness, eg the Chairman of a nationalised industry, at the same hearing, or to disclose information not yet given publicly.

41. Written memoranda of evidence on which departmental witnesses are examined in public and which are included in the printed copy of the proceedings reported that day to the House, inasmuch as they may have been available to the public attending the session, may at the Department's



discretion be issued to other interested parties thereafter. Copies of oral evidence given in public, however, should not be disclosed by Departments until the final published version is available, as the first copies are confidential proofs subject both to correction and to explanation by footnotes. Amendments to the proofs of evidence sent to witnesses by the Clerk cannot normally go beyond minor corrections of grammar and transcription, although the Chairman may be willing to consider suggestions about "sidelining" (see paragraph 46).

42. Evidence critical of a Department may be given in open session by persons outside the Department on occasions when departmental witnesses are not also present. In these circumstances Departments should not seek publicly to respond to such criticism outside the ambit of the Committee. Instead, the Chairman of the Committee concerned may be asked to consider inviting the Department to express their view also to the Committee as soon as possible.

#### Disclosure of Confidential Information in General

(see also Sir Douglas Allen's letter of 19 August 1975 to Heads of Departments about the disclosure of classified information to Select Committees, at Appendix C).

43. The general aim of Departments should be to assist Committees by disclosing to them whatever official information they may require for the carrying out of their Parliamentary functions, provided that there are not overriding reasons of security or other grounds for withholding such information. It may be, however, that particular information requested by a Committee, or other information which a Department consider might have a relevant bearing on a Committee's enquiries, should only be made available on the basis that it will not be published and will be treated in confidence. Where this is so, the Department should inform the Clerk to the Committee that the information can be made available only on this basis, explaining the reasons in general terms. Such information should not be made available until the Committee has agreed to treat it accordingly; or, in the case of information with no security classification, at least until the Department are satisfied that the Committee is prepared to agree to a reasonable degree of sidelining (see paragraph 46b.). The interpretation of "evidence" at paragraph 18 should be noted in this context. In considering the submission of confidential evidence to a Committee, Departments should bear in mind that the final authority as to whether or not evidence shall be published rests with the Committee. Arrangements have occasionally been made whereby certain classified evidence is given only to a sub-Committee of a main Commons Select Committee. Formally, however, Departments should proceed on the basis that main Committees and sub-Committees represent a single entity. No evidence given to Committees in closed sessions (ie when the public and the Press are not admitted) should be disclosed by Departments before the evidence has been published by the Committee.

#### Disclosure of Confidential Information in Oral Evidence

44. It would clearly be inappropriate for any evidence which a Department wished to be treated as confidential to be given at a session of the Committee to which the public and Press are admitted. Accordingly, if it appears likely that topics to be discussed at a forthcoming public session of a Committee are such that the departmental witnesses would only be able to give substantive answers if they could be treated in confidence, the Department should write to the Chairman or the Clerk to the Committee explaining why this is so: in most cases it is likely that it would be appropriate for the departmental Minister to write to the Chairman. If, despite such an approach, a Committee



questions an official witness in public session on what he considers confidential matters, or if such matters are raised unexpectedly, he should inform the Committee that he cannot answer the question on grounds of confidentiality: he should not himself suggest that the Committee should go into closed session. In certain technical fields (eg defence research) it may be useful for a Department to hold off-the-record "presentations" for Committee members.

#### Procedures for Avoiding Publication of Confidential Evidence

45. Where confidential written evidence is submitted to a Committee on the understanding that it will not be published, this understanding should be made clear in the covering letter to the Clerk to the Committee accompanying the evidence.

46. In the case of confidential evidence given orally to a Committee in closed session, the following procedures should be followed in order to ensure that such evidence is not made public:

a. Information with a security classification - TOP SECRET, SECRET, CONFIDENTIAL, RESTRICTED. (See also Sir Douglas Allen's letter of 19 August 1975 to Heads of Departments, Appendix C.) In cases where information with a security classification is revealed to a Committee, the following procedure should be followed in order to prevent publication. (The disclosure of TOP SECRET information may only be made on the personal authority of the Minister concerned)

i. The witness, before leaving the Committee Room, should let the Clerk to the Committee know what portions of his evidence contain matters with a security classification.

ii. The Clerk will then instruct the shorthand writer not to send for printing the transcript of those portions, but instead to send 3 copies to the Clerk (5 copies in the case of the Public Accounts Committee).

iii. The Clerk will send 2 copies to the witness: one is for his retention; on the other he should sideline any passage containing information which, in his opinion, it would be undesirable on grounds of security to print.

Since this procedure involves delay in the printing of evidence, it should only be used where strictly necessary.

b. Other confidential information

If a Department propose to reveal confidential (but not classified) information which, in the view of the Department, it would not be desirable on grounds other than security to include in the published evidence, they should first ask the Committee to agree that it should not be published or at least be certain that the Committee is prepared to agree to a reasonable degree of sidelining. Procedures on the lines of a. above will then be followed, and the attention of the Clerk to the Committee should be drawn to passages marked in accordance with the procedure at a. but which do not have a security classification (see also paragraph 25). Alternatively it may be sufficient to settle the details of sidelining at a later stage when the proof of evidence is available from the Clerk.



It should be noted that Select Committees may sometimes challenge a request for sidelining, and officials must always be sure that they can justify such a request if they make one. Challenges are more likely to arise, and sidelining is likely to be more difficult to defend, in the case of b. above than where the information has a standard security classification.

#### EVIDENCE FROM OTHER BODIES

47. Committees may, as stated in paragraph 5 above, call for evidence from non-departmental bodies for which Departments have responsibility. If a Department become aware that a non-departmental body for which they are responsible has been invited to give evidence, they may wish to consider whether it would be advisable to discuss the lines of evidence with the witnesses before the hearing. The Department may also wish to seek the Committee's agreement to their being represented at the hearing: whether this is allowed is entirely a matter for the Committee.

48. Committees may occasionally call for evidence from commercial firms, particularly those handling Government contracts. A contractor is normally prohibited from publishing without written consent the details of Government contracts. Departments may have to discuss with firms how far the former can provide a Committee with a general picture of their work without going into the details of specific contracts. Sensitive information of a commercial nature should not be disclosed (see paragraph 25(v)).

49. The normal relationship between Departments and non-departmental bodies or private firms may be sufficient to ensure an awareness on the part of witnesses from these bodies of the need to deal with the Committee's enquiries in a manner consonant with the rules about the security of classified information etc. To the extent that this is thought not to be sufficient, however, Departments should take steps to ensure that classified information in any evidence given by witnesses from these bodies is protected (see also paragraphs 35-36 about reports commissioned by Departments).

50. Departments may also wish to ask non-departmental bodies for which they have responsibility to show them written evidence or replies in draft before submitting them. The purpose of this would be consultative, under the normal arrangements which may be expected to exist between Departments and such bodies for consultation on matters of importance; the bodies would, of course, remain free to express their independent views, subject to their statutory or contractual responsibilities and subject to there being no questions of security involved. It is usual practice for sponsor Departments and nationalised industries to see each other's initial memoranda. It should be noted that the Procedure Committee have recommended that memoranda by Government Departments and non-departmental bodies should include a declaration of the persons and organisations with whom consultations have taken place prior to their submission. This recommendation should be drawn to the attention of non-departmental bodies when such consultations take place; and departmental memoranda which have been shown in draft to non-departmental bodies should include a statement of the bodies concerned.

#### DEPARTMENTAL REPLIES

51. Interested Departments and the Press normally receive advance copies of the Reports of Select Committees 48 hours before publication; the power for Committees to provide these is embodied in Standing Orders. While most



Committee staff have been co-operative over this, such advance issue is at their discretion and Departments cannot insist on seeing copies. If a Report is known to be imminent, it may help Departments if their liaison officer can contact the Clerk to the Committee on an informal basis about the likely timetable, so that Departments can have as much notice as possible.

#### Immediate Comment

52. This period of notice enables Departments to prepare Press briefing as appropriate for comment on the Report as soon as it is published. These immediate comments are, however, subject to certain rules and conventions because it is vital that they should not appear to anticipate or prejudice the Government's final and considered reply to the Committee's recommendations (see paragraphs 59-60 below), which must first be given to Parliament.

53. When they are aware of the prospective publication of a Select Committee Report with which they are concerned, the Department should consider what, if any, form of Press briefing is desirable, eg whether to issue an immediate Press Notice at the same time as the publication of the Report or simply to provide material to the departmental Press Office against the possibility of Press enquiries. It should be borne in mind that the Press are entitled to get advance copies at the same time as the Department (cf paragraph 51 above), so that questions may arise almost as soon as the copies are available.

54. It is a point of overriding importance that the Government's final and considered reply to the specific recommendations of a Select Committee should be delivered first to Parliament. This means that nothing in the comments given to the Press (immediately on publication of the Report or in the intervening period up to the delivery of the Government's reply) should seem to anticipate that reply. On the other hand, there is no objection to the provision of relevant background information or to the correction of mis-statements of fact; and, if desired, it may be possible to answer specific criticisms or comments by reference to other paragraphs in the Report or to evidence given to the Committee and published with the Report. Committees frequently publish with their Reports the evidence they have taken; in such cases the evidence may be quoted without risking a breach of Parliamentary privilege. Questions from the Press about a Committee's recommendations should be answered by saying that they will be fully considered and answered as soon as possible by an official reply.

55. Where a Select Committee Report concerns more than one Department, the Department with the major interest should co-ordinate the Press briefing, though Press enquiries may be answered by the other Departments concerned on the agreed lines.

56. In respect of "omnibus" Reports from the Public Accounts Committee, it is for Departments to prepare their own Press Notices, if any, and information to be given to the Press. There is, however, a specific undertaking given to the Committee by the Treasury in December 1968 that information provided by Departments to the Press will be confined to background and supplementary information of a character not intended to be "controversial comments", will not contain argument about the Committee's recommendations, and will be "vetted" by the Treasury. As far as possible a record should be kept of these departmental statements so that disputes about their form and content may be avoided. The arrangements in this paragraph apply to immediate comment on Reports of the Comptroller and Auditor General.



#### Timing and Manner of Formal Reply

57. Select Committees have often been critical of the time taken by Departments to reply to their reports, and the Procedure Committee have recommended that Departments should normally be required to publish their observations on Select Committee Reports within 2 months of publication of the Reports. The Committee proposed that, in the event of insuperable difficulties which make this impracticable, an interim set of observations should be produced within 2 months, and within every 2 month period thereafter.

58. Previous Government statements have drawn attention to the practical difficulties there would be in giving a firm undertaking to reply in all such cases within this timescale. It has been pointed out that Committee Reports tend to cover issues which require consideration in some depth, and consultations within and outside Departments are frequently necessary before a substantive reply can be provided. Departments should however do their best to meet the 2-month timetable recommended by the Procedure Committee. Where this is not possible, the reply should certainly be provided within 6 months and letters should go to the Committee before the expiry of the 2-month period explaining why the earlier deadline cannot be met.

59. The Government's considered reply to the specific recommendations of a Committee is frequently presented as a Command Paper. Departments are reminded that the Secretary of the Cabinet should be given notice of impending Command Papers at least one month before the final proof of the publication is required, in order that adequate arrangements can be made for the appropriate Ministerial Committee and (if necessary) the Cabinet to clear the draft. Even if the draft of a Command Paper has been considered by a Ministerial Committee, it is customary to circulate the paper to the Cabinet for information at the draft or CFR stage. Where several Departments are concerned, the Command Paper may be issued either by the principal Minister concerned, or by several Ministers acting jointly, each Department contributing a separate section of the paper. Replies to Reports of the Public Accounts Committee are always collated and presented by the Treasury. Where a Select Committee's recommendations concern another public body, that body may reply direct to the Committee, or its reply may be annexed to the Government's. Advance copies of any Command Paper in reply to a Select Committee Report should be made available to the Committee concerned (and to the Press) 48 hours before publication, and Committees may find it helpful to be advised informally, where possible, that a reply is imminent. This is the counterpart of the arrangement described in paragraph 51 above.

60. Departments are not, however, obliged to use the Command Paper form of reply to a Select Committee, particularly for minor recommendations. Departments may address Committees in the form of memoranda, or a Minister may wish to address the Chairman of a Committee by letter if the subject does not appear to merit a more formal treatment, or answers to Parliamentary Question may be used. In the first 2 cases, however, the reply becomes evidence submitted to the Committee, which the Committee may publish if it so decides and, if desired, with its own further comments on the Government's reply. Replies to reports by Committees which have not been re-appointed can take the form of Command Papers, Ministerial statements, or answers to Parliamentary Questions, etc. There is no obligation to reply to every point



made by a Committee: some may be obiter dicta: some may not be addressed to the Government but to the House (eg certain recommendations of the Procedure Committee): some may be conveniently covered in one omnibus comment. In the period between a Committee's report and the formal Government reply, there need be no constraint on Departments taking action on any recommendation made by the Committee. However, when such action is taken the Committee should be informed, a Parliamentary announcement should be considered, and in any event the formal Government reply to the Committee should refer to the action taken (see also paragraph 14).

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APPENDIX A

(Paragraph 5)

EXTRACT FROM STANDING ORDERS OF THE HOUSE OF COMMONS

Select Committees related to Government Departments

86A-(1) Select committees shall be appointed to examine the expenditure, administration and policy of the principal government departments set out in paragraph (2) of this Order and associated public bodies, and similar matters within the responsibilities of the Secretary of State for Northern Ireland.

(2) The committees appointed under paragraph 1 of this Order, the principal departments of government with which they are concerned, the maximum numbers of each committee and the quorum in each case shall be as follows:

Name of committee	Principal government departments concerned	Maximum numbers of Members	Quorum
1. Agriculture	Ministry of Agriculture, Fisheries and Food	9	3
2. Defence	Ministry of Defence	11	3
3. Education, Science and Arts	Department of Education and Science	9	3
4. Employment	Department of Employment	9	3
5. Energy	Department of Energy	11	3
6. Environment	Department of the Environment	11	3
7. Foreign Affairs	Foreign and Commonwealth Office	11	3
8. Home Affairs	Home Office	11	3
9. Industry and Trade	Department of Industry, Department of Trade	11	3
10. Social Services	Department of Health and Social Security	9	3
11. Transport	Department of Transport	11	3
12. Treasury and Civil Service	Treasury, Civil Service Department, Board of Inland Revenue, Board of Customs and Excise	11	3



(3) There shall in addition be a select committee to examine the reports of the Parliamentary Commissioner for Administration and of the Health Services Commissioners for England, Scotland and Wales which are laid before this House, and matters in connection therewith: and the committee shall consist of eight members of whom the quorum shall be three.

(4) The Foreign Affairs Committee, the Home Affairs Committee and the Treasury and Civil Service Committee shall each have the power to appoint one sub-committee.

(5) There may be a sub-committee, drawn from the membership of two or more of the Energy, Environment, Industry and Trade, Scottish Affairs, Transport and Treasury and Civil Service Committees, set up from time to time to consider any matter affecting two or more nationalised industries.

(6) Select committees appointed under this Order shall have power-

- (a) to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report from time to time;
- (b) to appoint persons with technical knowledge either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference; and
- (c) to report from time to time the minutes of evidence taken before sub-committees;

and the sub-committees appointed under this Order shall have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, and to adjourn from place to place, and shall have a quorum of three.

(7) Unless the House otherwise orders, all Members nominated to a committee appointed under this Order shall continue to be members of that committee for the remainder of the Parliament.

#### Welsh Affairs

86B-(1) A select committee shall be appointed, to be called the Committee on Welsh Affairs, to examine the expenditure, administration and policy of the Welsh Office and associated public bodies and the committee shall consist of a maximum of eleven members, of whom the quorum shall be three.

(2) The Committee shall have power-

- (a) to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report from time to time; and
- (b) to appoint persons with technical knowledge either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference.



(3) Unless the House otherwise orders, all Members nominated to the committee appointed under this Order shall continue to be members of the committee for the remainder of the Parliament.

#### Scottish Affairs

86C-(1) A select committee shall be appointed, to be called the Committee on Scottish Affairs, to examine the expenditure, administration and policy of the Scottish Office and associated public bodies; and the committee shall consist of a maximum of thirteen members, of which the quorum shall be five.

(2) The committee shall have power-

(a) to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place and to report from time to time; and

(b) to appoint persons with technical knowledge either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference.

(3) Unless the House otherwise orders, all Members nominated to the committee appointed under this Order shall continue to be members of the committee for the remainder of the Parliament.



EXTRACT FROM HANSARD OF 24 MAY 1979

CABINET COMMITTEES

Q7. Mr Mike Thomas asked the Prime Minister if she will now answer questions on the membership and terms of reference of cabinet committees.

The Prime Minister: I have established four standing committees of the Cabinet: a defence and oversea policy committee and an economic strategy committee, both under my chairmanship; a home and social affairs committee under the chairmanship of my right hon. Friend the Home Secretary; and a legislation committee under the chairmanship of the Lord Chancellor. Attendance at these committees will vary according to the subject under discussion. Where appropriate, sub-committees of the standing committees will be established. Membership and terms of reference of the standing committees or their sub-committees will remain confidential.





Sir Douglas Allen GCB  
Head of the Home Civil Service

APPENDIX C

Civil Service Department  
Whitehall London SW1A 2AZ  
Telephone 01-839 7733 ext 1528

19 August 1975

DISCLOSURE OF CLASSIFIED INFORMATION TO SELECT COMMITTEES

Discussions have taken place with the Chairman of the Liaison Committee of Select Committee Chairmen with the object of formalising the working conventions governing the conditions under which classified information is disclosed to Parliamentary Select Committees. Agreement has now been reached on the following rules.

- i. a. Subject to the continuance of the special arrangements for the Expenditure Committee referred to in b. below, any information classified SECRET or TOP SECRET which is disclosed should be restricted to those persons to whom the department has agreed to release it: in practice this would mean only the members of the Select Committee or of the Sub-Committee concerned and, in the case of a Sub-Committee, the Chairman of the main Committee (since, eg the Chairman of the Expenditure Committee is ex-officio a member of all the Sub-Committees). Information classified CONFIDENTIAL or RESTRICTED should be similarly restricted, except that when it has been disclosed to members of Sub-Committees it may also be made available to the main Committee concerned.
- b. Any classified information, whatever its classification, disclosed to the Expenditure Committee's Sub-Committee on Defence and External Affairs should be made available only to the members of the Sub-Committee and the Chairman of the main Committee.
- c. Notwithstanding the restrictions imposed in sub-paragraphs a. and b. above, classified information may be disclosed to Specialist Advisers who have been security cleared in accordance with arrangements agreed with the Clerk of the House.
- d. The release of TOP SECRET information under these arrangements to members of Select Committee is subject to the approval of the responsible Minister in each case.

/ii.



- ii. Classified memoranda or classified annexes to memoranda should be made available to members only during Committee or Sub-Committee meetings and on request in the Committee Office. Members should not be free to take classified documents away with them.
- iii. Classified portions or oral evidence should be sidelined by the witness in the shorthand writer's transcript and then excised by the Committee before the evidence is printed in proof form and distributed to Committee members, the full record being retained in the Committee Office for perusal there by members authorised to have access to it in accordance with paragraph i above.

2. Current guidance on this subject in Chapter 17, paragraphs 22-25\* of the Manual "Security in Government Departments" will be revised accordingly. Further guidance for Officials giving evidence to Parliamentary Select Committees was contained in a memorandum issued under cover of a CSD DEO letter dated 13 September 1972. Paragraph 9 reminds Departments that some Select Committees admit the public and press to hearings, and paragraph 24 advises on the action to be taken if an Official is asked a question in open session which he cannot answer on security or similar grounds.

3. Some Departments are already applying these rules under informal understandings with the relevant Select Committees. If your Department is not already applying the rules on an informal basis I should be grateful if you would put them into effect forthwith.

4. I am copying this letter to the Heads of Department on the attached list.

*Yours sincerely,*

*Douglas Allen*

\* Now Appendix M. The remainder of this paragraph has been superseded.

Note : References in this letter to the Expenditure Committee and its Sub-Committees should now be read as referring to the Select Committees related to Government Departments (paragraph 4 of this Memorandum). The special arrangements at paragraph 1(i)(b) of the letter are no longer applicable.





Minister of State

Civil Service Department  
Whitehall London SW1A 2AZ  
Telephone 01-273 3000

21 April 1980

The Rt Hon Norman St John-Stevas, MP  
Chancellor of the Duchy of Lancaster  
Privy Council Office  
68 Whitehall  
LONDON SW1A 2AT

① MODBA to see

② PA

MJS  
22/4

*Norman St John-Stevas*

COUNTRY ASSESSMENT PAPERS

1. Peter Blaker sent me a copy of his letter to you of 15 April about the request he has had from the Select Committee on Foreign Affairs for copies of certain Country Assessment Papers (CAPs).
2. Judging from what he says, and from the example of a CAP attached to his letter, I do not think that CAPs can be regarded as analogous to internal management documents of the kind we have been discussing in the recent correspondence. CAPs appear to relate wholly or mainly to the policy work of the Foreign and Commonwealth Office, and not to the way in which it is organised and managed. They are essentially factual documents and do not constitute policy advice to Ministers but rather the broad guidelines on which policy advice is based. It seems to me that it would be very much within the spirit of the statements which you made to the House about the provision of information to Select Committees and I made about our general policy on the disclosure of information if this request from the Foreign Affairs Select Committee were to be met, subject to the safeguarding of any particular information that is sensitive.
3. It appears from Peter Blaker's letter that he would be able to meet the Select Committee's request and still safeguard sensitive information. For my part, therefore, I can see no objection to going ahead on the basis he proposes.
4. Select Committees are, of course, suspicious about documents which appear to have been censored. I think it would be desirable, therefore, when putting the "up-dated" CAPs to the Committee, to explain whether they represent versions of the document which will be used by the FCO itself or if they are memoranda prepared expressly for the Committee's use.
5. I am sending copies of this to Peter Blaker and to the recipients of his letter.

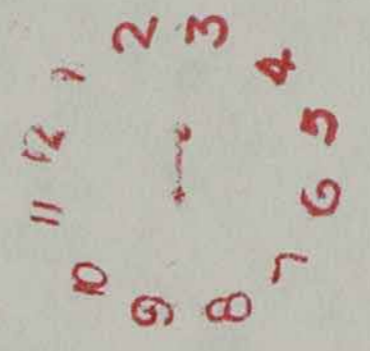
PAUL CHANNON



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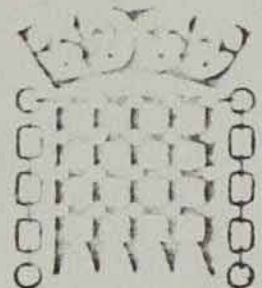


22 APR 1980



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HOUSE OF COMMONS  
LONDON SW1A 0AA

6.

17 April  
1980

*My dear Norman.*

Thank you for your letter.

I think it is a mistake not to allow those Select Committees which wish to establish sub-committees to do so.

In my private opinion it is probable rather than possible that the Committees concerned will table Motions which the House will pass. I would feel bound to support them, and so, I am sure, would every member of the Liaison Committee.

I think the proposals I put to you in my letters were eminently reasonable and modest, and I shall be very glad if you will kindly look at the matter again.

*Yours*  
*Norman*

The Rt Hon Norman St John Stevas, M.P.



see Mr Ingham

2  
PRIME MINISTER MS



MINISTRY OF DEFENCE  
MAIN BUILDING WHITEHALL LONDON SW1  
Telephone 01-930 7622 218 2111/3

To see. Not as much fuss as might have been expected - but no doubt the demands will grow.

MO 21/8/4

16th April 1980

MS  
16/4

MS.

Dear Nick,

SELECT COMMITTEES: ADVANCE COPIES OF COMMAND PAPERS

In your letter of 31st March you reaffirmed the Prime Minister's agreement to CFR copies of White Papers being provided to the Chairmen of Select Committees at the discretion of the Department concerned, but not any more general distribution to members of those Committees. Accordingly my Secretary of State sent Sir John-Langford-Holt a copy of the 1980 Statement on the Defence Estimates.

The Defence Committee considered the provision of pre-publication copies of the White Paper generally to Members of the Committee at their meeting on 2nd April and their Chairman has reported to the Secretary of State that his Members were unhappy that pre-publication copies were not available to them. The Defence Committee has asked for the question of the provision of such copies of future White Papers to be considered again.

Mr Pym proposes to write back to the Chairman saying that having reconsidered the matter he does not propose to comply with this request but would propose to continue providing the

N Sanders Esq





Chairman with an advance copy. In conveying this decision Mr Pym will make it clear that he is not speaking simply for himself but that this is the considered view of the Government in relation to Select Committees generally.

I am copying this letter to John Chilcot (Home Office), John Stevens (Chancellor of the Duchy of Lancaster's Office), Richard Prescott (Paymaster General's Office) and David Wright (Cabinet Office).

Yours sincerely,

(D B OMAND)



cc: Mr Hyde  
Mr Townley

PRIVY COUNCIL OFFICE  
WHITEHALL LONDON SW1A 2AT

*Chancellor of the Duchy of Lancaster*

15 April 1980

*R. Edwards*

Thank you for your letters of 6 March and 1 April letting me know the view taken by the Liaison Committee of the requests made by various select committees for the power to establish sub-committees. I am grateful for the Committee's consideration of these issues.

Your earlier letter of 6 March was principally concerned with the requests made by the Scottish and Welsh Affairs Committees. I recognise the distinction drawn in that letter between the position of these Committees and that of the other Departmental committees. I have accordingly considered most carefully, in consultation with colleagues, the Liaison Committee's recommendation that they should both now be given the power to set up two sub-committees, on the understanding that, for the present, each select committee would confine its activities to two operating units.

I have also noted the subsequent view of the Liaison Committee, expressed in your letter of 1 April, that adequate House staffing support and facilities would also be available for a Defence Sub-Committee, and that the Liaison Committee would support its establishment. I have also talked to John Langford-Holt and considered the note which he submitted to your Committee on this matter.

I fully recognise the problems that are posed for all these committees, particularly perhaps that on Scottish Affairs, by their wide-ranging responsibilities. My own view, however, on consideration, is that, bearing in mind the Procedure Committee's recommendations regarding the establishment of further permanent sub-committees at this stage, it would be advisable for the House to let the present select committee structure stand for the time being, and to reconsider the overall position, and the possible need for further sub-committees, next session. As you will appreciate, it is necessary to take into account not only the capacity of the House to service further new sub-committees, but also the potential effect on Departments of their establishment. I

Contd ...



believe we should be in a better position next session to judge in the light of experience how the present structure is developing, and whether it might be modified or extended without placing unreasonable burdens on already heavily stretched Departments.

*John A.C.*

The Rt Hon Edward du Cann MP  
House of Commons  
London  
SW1



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A



Foreign and Commonwealth Office

London SW1A 2AH

From The Minister of State

Peter Blaker MP

15 April 1980

Dear Norman,

A situation has arisen which appears to involve a parallel with the correspondence on the provision of internal management documents to Select Committees, resting with Paul Channon's letter of 10 March to you. The problem is as follows.

We have been asked by the Select Committee on Foreign Affairs for copies of certain Country Assessment Papers (CAPs) in connection with the Committee's current enquiry on Soviet expansion. The existence of CAPs was announced by the previous Government in its White Paper on the UK's Overseas Representation (Cmd 7308). Their aim is to provide Ministers, Government Departments, Posts and Diplomatic Service Inspectors with the principal factors about each country or international organisation affecting the scale and nature of British representation there. Their value is that they provide an agreed inter-Departmental view of British interests, objectives and priorities and as a by-product, they provide a ready source of briefing and reference material. They are produced according to a cycle which lasts roughly three years. They rarely contain much which cannot be deduced from public sources. They are therefore essentially factual documents.

CAPs do not therefore fit neatly into any easily defined category. They have some of the characteristics of an internal management document but on the other hand a number of Whitehall departments contribute to them. They do not strictly speaking constitute policy advice to Ministers, but they do give the broad guidelines on which policy advice is based. I think

/that

The Rt Hon Norman St John Stevas MP  
House of Commons

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I think that we should try to be as helpful as we can and I should therefore like to provide the Committee with the CAPs that they are asking for. But, apart from the principle involved, there are specific problems. Although only classified Confidential, some contain comments on personalities and other sensitive passages which could cause embarrassment if leaked. And because of the three year cycle, many of the Papers can become outdated by fast moving events in the countries concerned.

The Committee asked for a sample of a CAP in January in the course of their enquiry on the work and organisation of the Foreign and Commonwealth Office and that of Japan was provided as being one of the most innocuous. I enclose a copy. We made the point to the Committee at the time that Ministers would consider future requests for these Papers on a case by case basis.

We propose now to meet the Committee's request by providing them with updated versions of each CAP, which would give us the opportunity to delete any sensitive passages; but in view of the recent Ministerial correspondence on the disclosure of documents to Select Committees, I felt that you would wish to be aware of this and have the opportunity of commenting on what we propose to do.

We shall proceed on this basis unless I hear from you, or those to whom I am copying this letter by 24 April. There is now some urgency as the Committee plan a series of visits overseas at the end of this month.

I am copying this letter to members of the Cabinet, Paul Channon and Sir Robert Armstrong.

*Yours truly,*

*John*

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The Committee asked for a sample of a CAP in January, in the course of their enquiry on the work and progress of the Foreign and Commonwealth Office and that of which was submitted as being one of the most important. A number of copies were made the point to the Committee at the time that the papers would consider future requirements for these papers on a day by day basis.



With updated versions of each CAP, which would be available to help and assist in the preparation of the documents of the recent Ministerial correspondence of the Committee to Select Committee. I feel that the Committee should be aware of this and have the opportunity of commenting on what we propose to do.

We shall proceed on this basis unless I hear from you or those to whom I am copying this letter by 24 April. There is now some urgency as the Committee plan to discuss this matter at the end of this month.

I am copying this letter to members of the Cabinet, Mr. Channon and Sir Robert Armstrong.







Chancellor of the Duchy of Lancaster

PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

~~MAP to ce~~  
NBPM  
MJS

14 April 1980

*D. M. L.*

OVERSEAS DEVELOPMENT SUB-COMMITTEE: OVERSEAS STUDENTS' FEES

Thank you for your letter of 19 March about the evidence that Rhodes Boyson and officials of the departments concerned gave to the Overseas Development Sub-Committee on Overseas Students' Fees. I was interested, though not surprised, to learn that the Committee were endeavouring to get behind the public announcement of the Government's decision. I am sure it was right for Rhodes Boyson to give such information to the Committee as he could, and equally sure that we must maintain the position that information about the processes of ministerial discussion and decision-making must remain confidential.

You also mentioned the general question of the disclosure of departmental documents to Select Committees, about which there has been a good deal of correspondence arising from the request made by the DES Select Committee for a copy of a staff inspection report on the University Grants Committee. I should like to take a little longer to reflect on some of the general issues that have been raised. In the meantime, however, there is a clear consensus, with which, as I indicated in my letter of 27 February to Paul Channon, I agree, that you should respond to the Select Committee's request by providing a special memorandum summarising the background and conclusions of the staff inspection and describing the action to be taken as a result of it. I understand that you are in fact now proceeding in this way in response to the further letter which your department have received from the Committee about the report.

I am sending a copy of this letter to other Cabinet colleagues, to Norman Fowler and Paul Channon, and to Sir Robert Armstrong.

*Angus K.*

*PS. Sorry you had to Leghate the world thru*

*Debian teacher -  
You did by well!*

The Rt Hon Mark Carlisle, QC, MP  
Secretary of State  
Department of Education & Science  
Elizabeth House  
York Road  
SE1



12 11 10 9 8 7 6 5 4 3 2 1

14 APR 1960



A01924

MR. SANDERS

Departmental Select Committees: Memorandum  
of Guidance to Ministers

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The Chancellor of the Duchy of Lancaster has asked whether the Prime Minister is content with the draft memorandum of guidance enclosed with Mr Stevens's letter of 11 April to you.

As regards attendance by officials, paragraph 7 of the memorandum describes the present position. When I discussed with the Prime Minister the question of Sir Derek Rayner appearing before the Select Committee on the Social Services, she was inclined (I think) to the view that it was not satisfactory that in the last resort a Select Committee could issue a formal order for the attendance of a named official, even if the Minister concerned did not wish that official to represent him.

Any proposal to give Ministers an unchallengeable right to refuse attendance by a named official of a Select Committee's choice would involve inviting the House of Commons to agree to a diminution of its formal powers. This would no doubt be extremely controversial; the Government could not count on a majority in favour of such a proposal.

/ What



What the Chancellor of the Exchequer is proposing is in effect that the Government should not raise the issue as a matter of principle at this stage. It is to be hoped that any problems that arise will be capable of being solved, as the problem of Sir Derek Rayner's attendance was solved, without invoking formal powers or precipitating confrontation between the Government and a Select Committee.

If ever a problem could not be solved, in that way, we should have to consider whether to try to raise the issue of principle with the House of Commons. It seems sensible, however, not to do so except in the context of a specific and otherwise insoluble difficulty.

ROBERT ARMSTRONG

RA

11 April 1980



11 APR 1964



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11 APR 1964





Chancellor of the Duchy of Lancaster

PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

11 April 1980

*See Nick*

DEPARTMENTAL SELECT COMMITTEES: MEMORANDUM OF GUIDANCE TO  
MINISTERS

*see A2* { You will recall that Cabinet Minutes (CC(80) ~~and~~ Conclusions  
Minute 5) invited the Chancellor of the Duchy, after  
consultation with the House authorities, to prepare for  
consideration a memorandum of guidance for Ministers on the  
powers of Select Committees to summon officials in relation  
to the rights of Ministers to determine who should represent  
their Departments, and to summon members of the House of  
Lords and other non-governmental witnesses. The attached  
... paper has now been approved by the Chancellor of the Duchy.  
Before clearing this paper, by correspondence, with colleagues  
the Chancellor would be grateful to know that the Prime  
Minister is content with it.

I am copying this, together with a copy of the paper, to  
David Wright (Sir Robert Armstrong's Office).

J W STEVENS  
Private Secretary

N Sanders Esq  
Private Secretary  
10 Downing Street  
SW1



PRIVY COUNCIL OFFICE  
WILKINSON BUILDING, LONDON SW1A 1AT



1711 APR 1960  
1711 APR 1960



DRAFT

DEPARTMENTAL SELECT COMMITTEES

MEMORANDUM OF GUIDANCE TO MINISTERS

1. This note gives guidance about the relations between Ministers and the Select Committees set up by the House of Commons to "mark" departments.

2. The guidance covers:

Attendance of Ministers and Officials (paragraphs 5-7)

Answers in oral evidence (paragraphs 8-13)

Requests for papers and records (paragraphs 14-17)

The position of other witnesses (paragraph 18-19).

GENERAL

3. Select Committees normally proceed informally when asking for the attendance of witnesses and for written material. The terms of reference given to the Committees by the House confer on them formal powers to send for "persons, papers and records". This note summarises the present extent of those powers\*. When the Procedure Committee recommended the establishment of departmental select committees they included in their Report<sup>f</sup> recommendations for

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\* This note and its annex refer to the powers of the departmental select committees. Although most of what is said would be true of other committees of the House of Commons, there are some special considerations applying to other select committees, and in particular to the Public Accounts Committees, with which this note is not concerned.

<sup>f</sup> First Report from the Select Committee on Procedure, Session 1977-78



the increase and clarification of the formal powers of the committees. In the debate on the Procedure Committee's report on 25 June 1979 the Chancellor of the Duchy of Lancaster explained why the Government did not think there need be any change in the present position. He said:

"There need be no fear that departmental Ministers will refuse to attend Committees to answer questions about their departments or that they will not make every effort to ensure that the fullest possible information is made available to them.

I give the House the pledge on the part of the Government that every Minister ... will do all in his or her power to co-operate with the new system of Committees and to make it a success. I believe that declaration of intent to be a better guarantee than formal provisions laid down in Standing Orders." (Hansard, 25 June 1979, columns 45-46).

4. Select Committees have no independent penal jurisdiction to enforce their powers to send for persons, papers and records or to punish for contempt. These powers of enforcement can be exercised only by order of the House itself. (see Annex, paragraphs 2-3) If a Select Committee sought the backing of the House in any dispute, Ministers would be accountable to the House for their actions and those of their officials. The outcome would depend on the Government's ability to command a Parliamentary majority. Because Ministers and departments generally comply with the requests of Committees, and Committees themselves have rarely pressed their requests if good reason were shown for not meeting them, there is little recent experience of a Committee exercising its formal powers, or of a dispute



requiring resolution by the House. Ministers should aim to avoid such disputes unless a matter of principle or overriding importance is at stake.

## ATTENDANCE

### Ministers

5. The general power of Select Committees to sent for "persons" does not apply to members of either House of Parliament. Ministers who are Members of either House can be "invited" by a Commons Select Committee to attend to give evidence to it. Only the House of Commons can order a Minister who is a member of the House to attend before a Select Committee. A Minister who is a Member of the House of Lords must be given leave by that House to appear before a Commons' Select Committee and need attend only 'if he thinks fit'.

6. Ministers should, so far as possible, accede to requests from Select Committees to attend before them. A Select Committee may choose to study a subject which concerns other Departments in addition to its "parent" Department, and there will therefore be occasions on which a Minister is invited to appear before a Select Committee other than that for his own Department to give evidence on matters within his own sphere of responsibility. Nevertheless, it might still be a proper ground for refusal of an invitation that a Minister is not ministerially responsible for the matter about which he is asked to give evidence. Ministers have declined invitations on these grounds in the past. If a Select Committee wished to press a request, regardless of ministerial responsibility, only the House as a whole could order a Minister to attend.

### Officials

7. Officials appearing before Select Committees do so on behalf of their Ministers. It is customary, therefore, for Ministers to decide which officials (including members of the Armed Services) should appear to give evidence. Select Committees have in the past generally accepted this position. Should a Committee invite a named official



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to appear, the Minister concerned, if he did not wish that official to represent him, might suggest to the Committee that another official could more appropriately do so, or that he himself should give evidence to the Committee. If however, these suggestions were rejected, and the Committee insisted on a particular official appearing before them they could issue a formal order for his attendance. In such an event, the official would have to appear before the Committee. Arrangements might be made, if necessary, for the official to attend, in company with his Minister. In any event, the official would remain subject to Ministerial instructions as to how he should answer questions.

ANSWERS IN ORAL EVIDENCE

Ministers

8. Erskine May (19th edition, page 687) states that: "when a Member submits himself to examination ... he is not at liberty to qualify his submission by stipulating that he is to answer only such questions as he pleases". It is, however, recognised that the extent to which a Minister gives a direct and full answer to a question must be a matter for his judgment, taking account of considerations of public policy. Speaking for the Government in the debate on 25 June 1979 the Chancellor of the Duchy of Lancaster said:

"Inevitably there will be occasions when Ministers will have to decide that it would not be in the public interest to answer certain questions or to disclose information. There are conventions governing these matters that the House has accepted over a long period and that the Government will respect. They are dealt with in the Procedure Committee's report, and the Committee for the most part was satisfied with them.

The Government will make available to Select Committees as much information as possible, including confidential information



for which, of course, protection may have to be sought by means of the sidelining procedure. There may also from time to time be issues on which a Minister does not feel able to give a Select Committee as much information as it would like. But on these occasions Ministers will explain the reasons for which the information has to be withheld." (Hansard, 25 June 1979, column 45).

9. The conventions to which the Chancellor of the Duchy of Lancaster referred were summarised in 1967 by the then Leader of the House (Mr Crossman), and though never formally endorsed by the House have been largely followed since then. The matters on which Ministers were said to be unwilling to give them information included matters of national security, the private affairs of individuals or companies where information had been given on a confidential basis, matters which were or might become the subject of sensitive negotiations with Governments or with other bodies, and specific cases where the Minister concerned had a quasi-judicial or appellate function. These categories are not exhaustive and Ministers should not, for example, disclose information which is commercially or financially sensitive.

10. Information may be given to Select Committees on a confidential "not for Publication" basis and Ministers can ask that a Committee sit in private session, rather than in public, if they are likely to be asked for information which they would not be willing to provide except on such a basis. The decision about publication rests, however, with the Select Committee. Such matters apart, the extent to which information would be given in answer to a Parliamentary Question is a useful, but not conclusive, guidelines in considering whether it should be given in answer to a question from a member of a Select Committee.



Officials

11. In the past, Select Committees have recognised that officials who appear before them do so on behalf of their Ministers and under their directions. A Minister may therefore instruct his officials about the manner in which they should answer questions or about matters on which they should decline to answer questions. He should, of course, be ready to appear before the Committee or the House to answer in the usual way for the conduct of his officials.

12. The Memorandum of Guidance for Officials Appearing before Select Committees says that officials should not provide information on the matters mentioned in paragraph 9. In addition, officials are advised not to express opinions on matters of Ministerial policy or indicate the advice that they or other officials have given to Ministers, and they are to avoid, so far as possible, entering into matters of political controversy.

13. There is no record of a civil servant being ordered by a Select Committee to provide a substantive answer to a question when he has declined to do so or of a Select Committee reporting such a refusal by a civil servant to the House.

## REQUESTS FOR PAPERS AND RECORDS

14. Select Committees normally proceed informally when calling for official documents and, subject to the important qualifications in the following paragraphs, their requests should normally be met. Ministers should see they are consulted before any request is refused. (The formal powers of the House and of Select Committees to order the production of official papers and records are complicated by a



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by a technical distinction between papers in the custody of a Secretary of State and papers in the custody of a Minister who is not a Secretary of State (see Annex, paragraph 5). This distinction would become relevant only where formal dispute arose about the production of papers.)

15. There should be no departure from the existing rule that the advice of the Law Officers to the Government and the advice of officials to Ministers, including legal advice, should not be disclosed to Select Committees. Nor should documents be produced if they fall within the categories of private or confidential material summarised in paragraph 9 above.

16. The decision about the release of other documents of the current administration to a Select Committee is a matter of ministerial judgment. It would certainly be wrong to release documents which, by their nature, were confidential - for example, reports on staff. When questioned about official information, the Government said, however, that it would be their general practice "to make as much information as possible available, including background papers and analytical studies relevant to major policy decisions" (Hansard, 20 June 1979, column 1316). In case of difficulty it may be possible to provide a summary of an existing document as part of a fresh memorandum rather than to produce the document itself.

17. The documents of a former Administration are the property of the Government of the day, although by convention present Ministers do not have access to them. Where such documents were not released or published during the period of that Administration they should not, as a rule, be released to a Select Committee, even at the request of the former Administration".



## POSITION OF OTHER WITNESSES

18. Select Committees may not order Members of either House of Parliament to attend before them. Members may only be invited to attend. The same applies to Officers of the House of Lords.

19. With that exception, a Select Committee may summon a citizen of the United Kingdom as witness if he is in the United Kingdom at the time in question. A private person refusing to comply with a summons to attend or to answer questions may be ordered to attend at the bar of the House and could be subject to its penal jurisdiction. A Select Committee enquiring into the work of a Department could order the attendance of members or officials of any public body if it considered their evidence likely to be relevant. For example, a Committee could seek evidence from local authority members or officials on the effect on the authority of the policy of the Government Department into which it was enquiring, even though the Committee were not empowered to examine the policy of the local authority itself.

20. In cases of difficulty, Ministers should consult as early as possible with the Chancellor of the Duchy of Lancaster. If collective discussion seemed desirable, the matter would be referred to the Home and Social Affairs Committee.



1. Paragraphs 2 and 3 of this Annex amplify what is said in the main note about the formal powers of departmental Select Committees and about the position that might arise if the orders of a Committee were not obeyed. Paragraphs 4 and 5 give further information about the extent of the power to send for papers and records\*.

Powers : General

2. The powers of departmental Select Committees derive from the House and from their terms of reference. The House cannot delegate to a Committee more powers than it possesses itself and any individual Select Committee may exercise its delegated powers only within the area the House has defined. The terms of reference of the departmental Select Committees require the Committees to "examine the expenditure, administration and policy" of the departments concerned and "associated public bodies". It is for the Committee itself and in the last resort the House, to interpret its terms of reference. The House has granted the Committees powers to send for "persons, papers and records". Penal powers and, in particular, the power to punish for contempt are possessed by the House itself and can be exercised only by the House and not by a Select Committee.

3. If a Minister declined to comply with an invitation to appear before a Select Committee, the Committee could be expected to report the matter to the House, and the House would decide what action to

---

\* The subject is dealt with at length in a memorandum by the Clerk of the House, reproduced at Appendix C to the Report of the Procedure Committee. Most of what is said in this annex applies to all Select Committees of the House of Commons. It does not deal, however, with some special considerations affecting the Public Accounts Committee and the Committee for the Parliamentary Commissioner for Administration arising from the access that the Controller and Auditor-General and the Parliamentary Commissioner have to official papers.



take. If an official were to disobey a formal order to attend before a Select Committee, he would probably be committing a contempt of the House. (This situation has never arisen so there are no precedents to learn from). Since the matter would be one of privilege, the Speaker would almost certainly give it precedence and the Government's control over the business of the House could not prevent a debate taking place. Alternatively, but less likely, the matter could be referred to the Committee on Privileges.

#### Papers and Records

4. If a Minister or department refused to provide papers, a Select Committee would have to be certain that the papers requested fell into a category which could be required by the House. The papers concerned must:

- (a) relate to a public matter in which the House or the Crown has jurisdiction;
- (b) be obtainable from public offices or from corporations, bodies or offices constituted for public purposes by Acts of Parliament or otherwise, and not from private associations or from individuals not exercising public functions; and
- (c) when sought from Government Departments, be of a public and official character, and not be private or confidential.

There is no definition of what is meant by "private or confidential". Official papers are likely otherwise to be within these defined categories.



5. Where papers or records were held by a Secretary of State the Select Committee could only invite their production. If the invitation were refused the Select Committee might decide to report the circumstances to the House. The House itself could then proceed by way of an Address to the Sovereign requesting that the papers be made available. The Memorandum from the Clerk of the House reproduced in the Report of the Procedure Committee gives a number of examples mostly in the 19th Century in which the House declined to make an Address. No action has been taken on a recommendation of the Procedure Committee to enable a Select Committee to claim precedence for debate in the House on a Motion for an Address for an Order for the Return of Papers. The Government, therefore, cannot be compelled to find Government time for a debate on such a Motion.

6. Where papers or records were held by a Minister who is not a Secretary of State, the Select Committee could make an Order for their production, though there is no record of this having been done. If the Order were refused the Select Committee might decide to report the circumstances to the House. In this case the refusal being a contempt of the House, could be given precedence by the Speaker so that the Government's control over the business of the House could not prevent a debate taking place.



file Parliament

bc: Sir A. Cottrell  
Chanc. of Duchy's  
C.O. off

1 April 1980

Thank you for your letter of 24 March about the exchange of correspondence between Sir Alan Cottrell and the Prime Minister on reactor safety. Since Sir Alan has now agreed to release to the Select Committee his letter of 4 December 1979 the Prime Minister is willing to let the Committee have a copy of her reply. One is attached. We assume that, as far as publication is concerned, the Prime Minister's letter will be handled in the same way as Sir Alan's.

NJS

D.W.W. Doig, Esq.

DSG



CONFIDENTIAL

*Parsons*

Sir Robert Armstrong

Select Committee on the Treasury and  
Civil Service

I have shown the Prime Minister your minute A01802 of 26 March about the interest of the Select Committee on the Treasury and Civil Service in the relationship between the Cabinet Office and the Advisory Council for Applied Research and Development (ACARD).

2. The Prime Minister agrees with you that we should not try to resist the Select Committee on this, but that we should be reasonably forthcoming in our response to them; and she is content for you to proceed along the lines of paragraph 4 of your minute.

31 March, 1980.

C. A. WHITMORE

CONFIDENTIAL

*RR*



PRIME MINISTER

The Select Committee on Energy have come back asking you and Sir Alan Cottrell to reconsider your decision not to make available to them your exchange of correspondence on reactor safety. The Committee Clerk's letter is at Flag A.

Without consulting us, Sir Alan Cottrell wrote back by return of post (Flag B), agreeing to release his letter to the Committee.

see Energy (Ding) 4/3 }

In the circumstances, it seems to me that you have little alternative but to do the same. Your letter, which is at Flag C, is, of course, capable of being published without embarrassment.

Are you content for me to write back saying that you are willing to release your own letter to the Committee?

Yes not. MS

31 March 1980



FILE  
**SECRET**

1.

31 March 1980

On 25 March I sent you a copy of correspondence the Prime Minister had received from the Clerk to the Select Committee on Energy about her exchange of letters with Sir Alan Cottrell.

I now attach a letter Sir Alan Cottrell wrote to the Clerk of the Committee, without consulting us, agreeing that his letter could go to them.

In these new circumstances, I propose to advise the Prime Minister that she has little alternative but to make her reply available.

I am copying this letter and its enclosure to David Wright (Cabinet Office).

**N. J. SANDERS**

John W Stevens, Esq  
Chancellor of the Duchy of Lancaster's  
Office

**SECRET**

TW





Chancellor of the Duchy of Lancaster

PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

PA  
MS

31 March 1980

Dear Nick

Thank you for your letter of 25 March enclosing a further letter from the Select Committee on Energy about the letter which the Prime Minister had received from Sir Alan Cottrell. I notice, incidentally, that this further letter refers only to the letter which the Prime Minister received and not to her reply.

I have shown the papers to the Chancellor of the Duchy of Lancaster and he does not think that this further approach alters the balance of the argument. In particular, he does not think that the offer by the Select Committee not to give Sir Alan's letter wider publication affects the general issue of principle that a member of the public who writes to the Prime Minister is entitled to expect that his letter will not be made available to anyone outside the Government service without his consent.

You might perhaps have a word with Sir Alan and confirm in the first place that he himself still does not want to supply copies of the correspondence to the Select Committee. On that assumption, and if the Prime Minister agrees, you might then tell him that she is disposed to continue to decline to make the letter available to the Select Committee on the basis that it was written as a private letter and in accordance with the general principle summarised in the previous paragraph.

J W STEVENS  
Private Secretary

N Sanders Esq  
Private Secretary  
10 Downing Street  
London  
SW1



CONFIDENTIAL



RM  
File cc HMT

✓ B Ingham

10 DOWNING STREET

31 March 1980

From the Private Secretary

Dear Petra

Select Committees: Advance copies of Command Papers

The Prime Minister has seen your letter to John Chilcot of 28 March and Toni Robson's letter to David Omand of 26 March. She has also seen David Omand's letter of 25 March to John Chilcot.

As Toni Robson said in her letter, the Prime Minister has agreed that confidential final revises of Command Papers should go only to Chairmen of Select Committees and not to members of those committees. Distribution of CFRs to Chairmen of Select Committees in this way is, of course, at the discretion of the department concerned and not automatic.

As I have already told David Omand, the Prime Minister is content that this general principle should be applied to the Defence White Paper. She would be glad to know how the Chairman of the Defence Select Committee reacts.

I am copying this letter to John Chilcot (Home Office), John Stevens (Chancellor of the Duchy of Lancaster's Office), Richard Prescott (Paymaster General's Office), David Omand (Defence Department) and David Wright (Cabinet Office).

You are

Nick Sados

Miss Petra Laidlaw  
Chancellor of the Duchy of Lancaster's Office

CONFIDENTIAL

FK



PRIME MINISTER

ex Press Office 1



Chancellor of the Duchy of Lancaster

You should be aware of a small dispute between Mr Maude and Mr St John Stevas about giving CFRs to members of Select Committees.

PRIVY COUNCIL OFFICE

WHITEHALL, LONDON SW1A 2AT

MOD (flag A) wanted to give the Defence

28 March 1980

White Paper to all members of the Defence

Committee; Mr Maude (flag B) objected strongly and suggested giving the CFR to the Chairman only; Mr St John Stevas returns to the charge in this letter.

Subject to the views of colleagues, content that we should seek to establish the general principle that only Chairmen get CFRs, and that we should attempt to

Dear John

DEFENCE SELECT COMMITTEE: ADVANCE COPIES OF DEFENCE WHITE PAPER

Special mt.

hold that line with the Defence Committee? We could reconsider if Sir John Layford

I mentioned to you a couple of days ago the reservations we had in this office about applying to this rather special case any general policy about the undesirability of providing CFRs to Select Committees. The Chancellor of the Duchy has since seen the correspondence, and has asked me to reinforce this view.

-Holt complains very much indeed?

MS 28/3

The Defence Select Committee is already supersensitive over the question of its examination of the Defence White Paper. Difficulties over the timing of the Debate have only just been resolved by postponing it by a fortnight to the end of April. But the Select Committee were quite understandably beginning to feel until then that the Government were consciously thwarting them in their wish to examine the White Paper thoroughly before the Debate. If now we withdraw the facility which was available to their predecessor Committee, the Defence Sub-Committee, we can only expect trouble: they are likely to see this as a departure from precedent and a deliberate slight.

I do not know if there are any other regularly published documents which were available in CFR form to all members of any other Expenditure Sub-Committee; but I imagine if there are any, they will be very few. (No doubt copy recipients of this letter could let us know if there are any other cases.) The Defence White Paper and its associated debate, however, are such a well-recognised annual event that I should have thought it possible to draw the line on availability to all members at this case alone. Properly handled, such an arrangement should not be seen as creating a precedent. The precedent which I fear ought to be observed is that already in the favour of the Defence Select Committee.

If it were agreed to make a strictly limited exception of this case, we should no doubt wish to follow the precedent closely: David Omand could perhaps advise whether CFRs of the Defence White Paper were also made available in the past to, say, the Leader of the Opposition and the chief opposition spokesman.

I don't think so. MS.

Contd...





I am copying this to the Private Secretaries to the Prime Minister, the Secretary of State for Defence, the Paymaster General, and the other members of H Committee. I am also sending a copy to Sir Robert Armstrong.

Yours sincerely

*Petra Laidlaw*

PETRA LAIDLAW  
Private Secretary

John Chilcot Esq  
Private Secretary to the  
Home Secretary  
Home Department  
Queen Anne's Gate  
London  
SW1



28 MAR 1980







Chancellor of the Duchy of Lancaster

*The Sanders MS PA*  
*Newsk Panel*

PRIVY COUNCIL OFFICE  
WHITEHALL LONDON SW1A 2AT

*cc Press Office*

28 March 1980

*John - X is no argument.  
Yes simply untenable;  
White Papers are of as  
concerning interest 15000 Select  
Committees - Re 2, if would make  
a precedent.*

*Dear John*

*John 33*

DEFENCE SELECT COMMITTEE: ADVANCE COPIES OF DEFENCE WHITE PAPER

I mentioned to you a couple of days ago the reservations we had in this office about applying to this rather special case any general policy about the undesirability of providing CFRs to Select Committees. The Chancellor of the Duchy has since seen the correspondence, and has asked me to reinforce this view.

*x*

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*y*

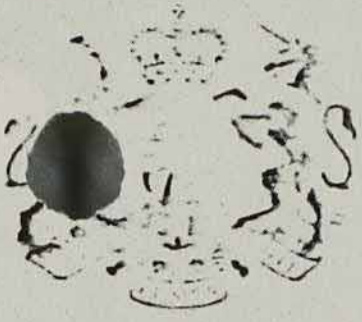
*2*

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If it were agreed to make a strictly limited exception of this case, we should no doubt wish to follow the precedent closely: David Omand could perhaps advise whether CFRs of the Defence White Paper were also made available in the past to, say, the Leader of the Opposition and the chief opposition spokesman.

Contd...





I am copying this to the Private Secretaries to the Prime Minister, the Secretary of State for Defence, the Paymaster General, and the other members of H Committee. I am also sending a copy to Sir Robert Armstrong.

Yours sincerely

*Petra Laidlaw*

PETRA LAIDLAW  
Private Secretary

John Chilcot Esq  
Private Secretary to the  
Home Secretary  
Home Department  
Queen Anne's Gate  
London  
SW1



AHC/IMM

26th March 1980

D.W.N. Doig, Esq.,  
Clerk to the Committee,  
Select Committee on Energy,  
Committee Office,  
House of Commons,  
London SW1A 0AA.

Dear Mr Doig,

Correspondence with the Prime Minister on  
PWR Pressure Vessels

Thank you for your letter of 24 March and also for the copy of the letter to you from the Prime Minister's Private Secretary. In view of the position expressed in these letters I feel that I am now free to release to the Select Committee the letter of 4 December 1979 which I wrote to the Prime Minister. I should say that I had never regarded that letter of mine as one for publication and so I shall be most grateful if you will ask the Select Committee, as you suggest in your letter to me, to consider sympathetically my request not to give my letter wider publication.

I am copying this letter to the Prime Minister's Private Secretary.

Yours sincerely,



50 1000 1000



26th March 1950

SECRET

Mr. M. B. ...  
Select Committee on Energy,  
Committee Office,  
House of Commons,  
London W1A 0AA.

Dear Mr. B. ...

Correspondence with the Prime Minister on  
The Pressures of the

Thank you for your letter of 24 March and also for the  
copy of the letter to you from the Prime Minister's Private  
Secretary. In view of the position expressed in these  
letters I feel that I am now free to refer to the Select  
Committee the letter of 2 December 1949 which I wrote to  
the Prime Minister. I should say that I had never regarded  
that letter of mine as a request for publication and so shall be  
most grateful if you will ask the Select Committee, as you  
suggest in your letter to me, to consider sympathetically  
my request not to give my letter wider publication.

I am copying this letter to the Prime Minister's  
Private Secretary.

Yours sincerely,



29 MAR 1950



PRIME MINISTER

*not seen by PM (over taken by evnt)*

*PA  
MS*

You said the other day that you did not want to see any extensions in the system of distribution of Confidential Final Revised of command papers. Since then it has become clear that in the past some select committees have received copies of some documents in advance. In particular, the former Defence Sub-Committee of the Expenditure Committee used to receive the Defence White Paper. The Paymaster General, the Leader of the House and Bernard Ingham all agree that there is a strong case for enabling departments to send one copy of a CFR only to the Chairman of their select committee when that document is relevant to the committee's work. This would apply not only to the Defence White Paper, but also potentially more widely.

I hope that you will be content to accept this as a working method. With luck, it might prove a way of helping the chairmen (or at least the Conservative ones) to hold the line. There is no question of any CFR being made available to all the members of select committees.

*MS*

26 March 1980



Ref. A01802

MR. WHITMORE

*Agreed  
not*

Prime Minister

*I am sure that it is right to be forthcoming with the Select Committee on this issue. If you agree, are you content to proceed on the lines suggested in paragraph 4?*

Select Committee on the Treasury and Civil Service

*AM  
27 iii*

I have learned that the House of Commons Select Committee on the Treasury and Civil Service wishes to enquire about the relationship between the Cabinet Office and the Advisory Council for Applied Research and Development (ACARD). There is no suggestion at the moment of the Committee calling an official of the Cabinet Office to give evidence on ACARD. One of the Committee's clerks wishes to speak to the official "responsible for ACARD" to establish a number of basic facts about how ACARD works and its relationship with the Cabinet Office.

2. As you will see from the attached Hansard extract, when the Select Committees were appointed the Cabinet Office was not specified as one of the Government Departments with which the Treasury and Civil Service Committee are concerned. But we believe that the Committee does not regard itself as debarred in principle from enquiring into aspects of the Cabinet Office, as being, together with the Treasury and the Civil Service Department, within the Prime Minister's Ministerial responsibility; and we have not sought to prevent earlier Select Committees from taking evidence from those parts of the Cabinet Office - like the CPRS and the Central Statistical Office - which have a policy advisory function (as opposed to the Secretariat).

3. I believe that we should need to challenge the Committee, if it sought to enquire into the working of the Cabinet Committee system or of the Secretariat in serving that system. But I think that it would be difficult, and unwise, to challenge its right to enquire about ACARD, or about the Cabinet Office's relationship to it. To do so would probably only create the impression that the Cabinet Office and ACARD have something to hide, which they do not. It may well be that once the Committee have received a general, oral explanation of ACARD's relationship with the Cabinet Office, the low level of public expenditure involved (£43,000 in 1979) and the Council's membership, the Committee will not



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wish to pursue the subject any further. If, on the other hand, they decided to enquire into the work of ACARD, it would probably be appropriate for the Chairman, Dr. Spinks, to give evidence; he might be supported by the Secretary (a Cabinet Office official).

4. Provided that the Prime Minister agrees, I will arrange for the Committee's Clerk to be given the name of the Deputy Secretary in the Cabinet Office responsible for ACARD. In answering questions about ACARD, he will not enter into a discussion of the machinery or procedure for implementing the recommendations in ACARD reports nor will he reveal the existence of a Cabinet Office Committee on ACARD. He will confine himself to the information on ACARD which is generally available, namely the advisory nature of their reports, the Council's membership, and the fact that its members are appointed by the Prime Minister, and the fact that the Cabinet Office's role is confined to providing the Secretariat and supporting services.

RA

ROBERT ARMSTRONG

26th March, 1980

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### SELECT COMMITTEES

**Mr. Speaker:** Before I call upon the Chancellor of the Duchy of Lancaster it may be convenient if I explain to the House the course that we should follow, in view of the business motion to which the House has just agreed. During the course of the debate it will be open to any hon. Member to discuss the various amendments that stand on the Paper and I think it will be to the advantage of the House if all the amendments are taken under general discussion during the debate.

When the debate comes to a conclusion I shall call on hon. Members in succession to move formally the first of each group of amendments shown on the selection list that has been published. When the last of these amendments has been

disposed of I shall put the main Question, or the main Question, as amended. I shall then call on the Chancellor of the Duchy of Lancaster to move, successively, the two other motions relating to the Expenditure Committee and nomination of Select Committees, and the amendment to the latter will be dealt with in the same way.

In any of the amendments that I have selected for Division is agreed to I shall call the Member concerned to move the necessary consequential amendments within the group in the order in which they appear on the Paper.

3.45 p.m.

**The Chancellor of the Duchy of Lancaster and Leader of the House of Commons (Mr. Norman St. John-Stevas):** I beg to move,

That—

(1) Select committees shall be appointed to examine the expenditure, administration and policy of the principal government departments set out in paragraph (2) of this Order and associated public bodies, and similar matters within the responsibilities of the Secretaries of State for Scotland and Northern Ireland.

(2) The committees appointed under paragraph 1 of this Order, the principal departments of Government with which they are concerned, the maximum numbers of each committee and the quorum in each case shall be as follows:

Name of committee	Principal government departments concerned	Maximum numbers of Members	Quorum
1. Agriculture ...	Ministry of Agriculture, Fisheries and Food.	9	3
2. Defence ...	Ministry of Defence ...	10	3
3. Education, Science and Arts.	Department of Education and Science	9	3
4. Employment ...	Department of Employment ...	9	3
5. Energy ...	Department of Energy ...	10	3
6. Environment ...	Department of the Environment ...	10	3
7. Foreign Affairs ...	Foreign and Commonwealth Office ...	11	3
8. Home Affairs ...	Home Office ...	11	3
9. Industry and Trade.	Department of Industry, Department of Trade.	11	3
10. Social Services ...	Department of Health and Social Security.	9	3
11. Transport ...	Department of Transport ...	10	3
12. Treasury and Civil Service.	Treasury, Civil Service Department, Board of Inland Revenue, Board of Customs and Excise.	11	3

(3) There shall in addition be a select committee to examine the reports of the Parliamentary Commissioner for Administration and of the Health Services Commissioners for England, Scotland and Wales which are laid before this House, and matters in connection therewith; and the committee shall consist of eight Members, of whom the quorum shall be three.

(4) The Foreign Affairs Committee, the Home Affairs Committee and the Treasury and Civil Service Committee shall each have the power to appoint one sub-committee.

(5) There may be a sub-committee, drawn from the membership of two or more of the Energy, Environment, Industry and Trade, Transport and Treasury and Civil Service Committees, set up from time to time to consider any matter affecting two or more nationalised industries.

(6) Select committees appointed under this Order shall have power—

(a) to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report from time to time;

(b) to appoint persons with technical knowledge either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference; and

(c) to report from time to time the minutes of evidence taken before sub-committees; and the sub-committees appointed under this Order shall have power to send for persons,



papers and records, to sit notwithstanding any adjournment of the House, and to adjourn from place to place, and shall have a quorum of three.

- 50 (7) Unless the House otherwise orders, all Members nominated to a committee appointed under this Order shall continue to be members of that committee for the remainder of the Parliament.

That this Order be a Standing Order of the House.

I start by welcoming the former Home Secretary the right hon. Member for Leeds, South (Mr. Rees) to the Front Bench as Opposition spokesman on procedure. When I was Shadow Leader of the House I had to mark two Ministers and I take it as a compliment that when the shadow has been turned into substance the Opposition need two spokesmen to keep a check on one.

Today is, I believe, a crucial day in the life of the House of Commons. After years of discussion and debate, we are embarking upon a series of changes that could constitute the most important parliamentary reforms of the century. Parliament may not, for the moment, stand at the zenith of public esteem. There are tides of fashion that rise and fall as there are tides of opinion that move. We should not be too concerned about that. One truth abides and that is that parliamentary government has been one of the great contributions of the British nation to the world's civilisation, and we would do well to remember that. Great nations fail only when they cease to comprehend the institutions that they themselves have created.

That is not to say that I believe that Parliament is impeccable. The greatness of Parliament and the reason why it has survived for 700 years is that it has always been ready to reform itself. It has found the will to put matters right when they have gone wrong and to renew itself when it has discerned the signs of the times.

Let me say at the outset that the phrase "parliamentary government" is a misnomer. At no time in its long history, save for a brief and disastrous interlude, has Parliament governed or made any claim to do so. Parliament's function has been a different one. It has been to subject the Executive to limitations and control; to protect the liberties of the individual citizen; to defend him against the arbitrary use of power; to focus the mind of the nation on the great issues of the day by the maintenance of continuous dialogue and discussion; and, by remaining at the centre of

the stage, to impose parliamentary conventions or manners on the whole political system.

I believe that Parliament is successful in the last two aims. It is on the two first ones that public and professional anxiety has focused and constellated. It has been increasingly felt that the twentieth century Parliament is not effectively supervising the Executive, and that while the power and effectiveness of Whitehall has grown that of Westminster has diminished.

The proposals that the Government are placing before the House are intended to redress the balance of power to enable the House of Commons to do more effectively the job it has been elected to do. In doing this the Government are redeeming a pledge in their election manifesto, which was repeated in the Gracious Speech, that the House should have an early opportunity to amend our procedures, particularly as they relate to the scrutiny of government. These proposals are based on the report of a Select Committee on Procedure appointed in 1976 which reported two years later.

It is a thorough, authoritative and lucid report. I pay tribute to all the hon. Members who served on the Procedure Committee and who spent so many hours producing the report. I pay particular tribute to the hon. and learned Member for Warrington (Sir T. Williams) who, as chairman of the Committee presided over it and brought it, by his devotion and diligence, to such a successful conclusion. It is with his name that I trust the report will always be associated.

The report contains 76 recommendations in six main sections. It is clearly impossible to implement them all at once. This is intended as the first instalment of the implementation and I hope that it will answer my hon. Friend the Member for St. Marylebone (Mr. Baker) who broadcast this morning. He did not awaken me, because I am an early riser. He expressed the hope that there would be further commitments from the Government on this matter. We must proceed, however, in an orderly manner, and it



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B



PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

26 March 1980

D B Omand Esq  
Private Secretary to the  
Secretary of State  
Ministry of Defence  
Main Building  
Whitehall SW1

VMS

Dear David

SELECT COMMITTEES: ADVANCE COPIES OF COMMAND PAPERS

The Paymaster General has seen your letter of 25 March to John Chilcot and has asked me to convey his comments to you as a matter of urgency.

The Paymaster General feels very strongly that we cannot allow the members of Defence Committee to receive CFRs of the Defence White Paper. By doing this we would create a precedent which would make it impossible to withhold CFRs from other Select Committees. Since there are a great many more Select Committees under this administration than previously, this would result in half the House of Commons receiving CFRs which would destroy the whole purpose of the system.

This subject was discussed at a meeting of Chief Information Officers in February, which was chaired by the Paymaster General, and the unanimous decision was taken that Chairman of Select Committees might receive one copy of the CFR, but not other members. The Prime Minister has approved this decision and said that she does not want any changes to be made to the present system.

it was  
suggested  
to you by  
Mr Chanon

The Paymaster General set out his views in a letter dated 21 February to the Minister of State at the Civil Service Department. Unfortunately this does not appear to have been circulated widely and so I am attaching a copy to this letter, and sending copies to the Private Secretaries of all Cabinet Ministers, Minister of Transport, and Sir Robert Armstrong.

Yours Sincerely

Toni Robson

(Miss) TONI ROBSON  
Assistant Private Secretary

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PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

21 February 1980

Paul Channon Esq MP  
Minister of State  
Civil Service Department  
Old Admiralty Building  
Whitehall  
SW1

*Dear Paul,*

I have been greatly disturbed by a letter which has been sent by Miss Dickinson of your Department to Liaison Officers to Select Committees. This letter proposes that Confidential Final Revise copies of Command Papers should be made available to Members of Select Committees either 24 hours or 48 hours in advance of publication. The proposal has been put forward without any apparent consideration of the much wider issues arising from the long-standing arrangements for the provision of Confidential Final Revises.

As you will know, it has for long been the practice for a strictly limited number of Confidential Final Revises to be made available to Lobby Correspondents (and occasionally, with the agreement of the Prime Minister's Press Secretary, to other specialist groups of journalists) to allow the media time to prepare accurate reports of those papers. The normal requirement is for 200 copies.

In recent years there have been many requests for the Confidential Final Revises system to be extended to Members of Parliament. These have been resisted by successive Governments because to distribute more than 600 Final Revises to MPs (and logically to all Members of the House of Lords as well) would destroy the system. Journalists would certainly question the embargo placed upon Command Papers if they knew that such a wide distribution had been made. Indeed, it is hard to see how the Government could maintain the embargo with the Press because the contents would be certain to be leaked.

The present proposal is to confine the distribution to Members of Select Committees to see whether it would bring any objections from the House as a whole. Given our knowledge of the intense pressure brought upon successive Governments to provide Confidential Final Revises to all MPs, I am quite certain that such a concession would lead to pressure for its extension, - and once the principle had been breached our position would be indefensible. The possession of these papers by individual members of Select Committees would give them an unfair advantage over other MPs when, as often happens, Ministers introduce important White Papers with statements in the House.

The copies provided under the strict control of the Prime Minister's Office to the Lobby (and occasionally other specialist groups) are the only copies which normally go outside the

/Government



21.2.80

Government machine. The second category of Confidential Final Revise is dubbed 'administrative' and is provided strictly for the use of those Ministers and officials who will be directly concerned with the paper when it is published. It has been the practice for Ministers to exercise their discretion in sending an advance copy to an individual outside the Government directly affected by the contents of the paper but this is rarely exercised and in any case these copies are provided only a very short time in advance of publication. I think it is arguable, therefore, that Ministers may wish to send, just before publication, one copy of a Final Revise to the Chairman of a Select Committee, but I suggest that this should only be in the case of papers with direct relevance to the work of that Committee.

The Confidential Final Revises which are provided for the media always have an embargo which warns against an approach to any third party before publication time. Obviously, any extension of the system to MPs would destroy that very sensible safeguard. In my view it would destroy the whole system and ensure that publication time in fact becomes the moment when the Confidential Final Revises are issued. This would be entirely contrary to the interests of Government since it would militate against the considered reporting of the content of White Papers.

I am absolutely clear that the provision of Confidential Revise copies of Departmental Command Papers to Members of Select Committees must not be allowed to happen.

Finally, in case anyone is in doubt about the Confidential Final Revise procedures, they are set forth in detail in the booklet 'The Government Information Officer' on pages 20-23.

I am copying this to Norman St. John-Stevas and Michael Jopling.

*Yours ever,*

*Angus*

ANGUS MAUDE





A



Bernard

WBS

NBPM

MINISTRY OF DEFENCE  
MAIN BUILDING WHITEHALL LONDON SW1

MJS

Telephone 01-~~2307822~~ 218 2111/3

MO 21/8/4

Nick  
Angus Maude put  
his foot down at MoD last  
night in line with the Prime  
Minister's decision. He will  
write on this. I told  
Cliff, MoD, to tell his private  
office to talk to you if they  
still had doubts

25th March 1980

Dear John,  
SELECT COMMITTEES: ADVANCE COPIES OF COMMAND PAPERS

PE 2.

There have been replies from several Ministers to the letter dated 6th March from the Minister of State CSD to your Secretary of State on whether the existing arrangements for the provision of CFRs of Command Papers to Select Committees should be extended.

Our immediate concern is with the 1980 Statement on the Defence Estimates. The standing arrangement with the previous Defence Sub-Committee (DEASC) for this annual Defence White Paper was that it was given CFRs at the same time as the Lobby correspondents, that is some 24 hours in advance of publication. The Ministry's relations with the new Defence Committee would be made difficult in the extreme if we discontinued this arrangement.

My Secretary of State is at present in China and we have received in his absence a letter from the Chairman of the Select Committee on Defence asking for his Committee to be given on 1st April CFR copies of the 1980 Statement of the Defence Estimates, being published on 2nd April. I am sure that my Secretary of State would welcome early endorsement by his colleagues of the continuation of present arrangements for the Defence White Paper in time for CFRs to be made available to the Committee on 1st April.

I am copying this letter to the Private Secretaries to members of the Cabinet and the Minister of Transport, and to David Wright (Cabinet Office).

Yours sincerely  
*David Omand*

(D B OMAND)  
Private Secretary

John Chilcot Esq.





*[Faint, illegible handwritten notes or scribbles in the upper middle section of the page.]*

DEPARTMENT OF AGRICULTURE  
 25 MAR 1960  
 11 12 1  
 2 3 4  
 5 6 7 8 9 10





10 DOWNING STREET

BERNARD

Defence say you agreed to one  
copy going to the Chairman in  
advance. Is that true?

MJS

26/3

Confirmed by BI on 26/3. PA

MJS





10 DOWNING STREET

Mr Kennan.

What became of the  
recommendations in his report,  
please?

HW

25<sup>th</sup>

CLIVE

NW

many thanks.

HW 26<sup>th</sup>

See Mr St John Stavas minute of  
5/10/79 at the flap. There is  
more to come in due course.

MS

Subject: - next stage of the follow-up to  
the Procedure Committee's report (First report  
from the Select Committee on Procedure, session  
1977-78)





2

10 DOWNING STREET

CF

Advice to  
come from CDE

PRIME MINISTER

mj  
26/3

The Select Committee on Energy are pressing (see their attached letter) for you to release your correspondence with Sir Alan Cottrell.

We will consult the Chancellor of the Duchy and let you have some advice. We will also find out what Sir Alan himself intends to do.

MS  
MS

25 March 1980



RH

*Parliament*

~~B/F 28.3.80~~

25 March 1980

I attach a copy of some correspondence the Prime Minister has received from the Clerk to the Select Committee on Energy about her exchange of letters with Sir Alan Cottrell. I should be grateful to have urgent further advice on how the Prime Minister might reply.

I am copying this letter to David Wright (Cabinet Office).

N J Sanders

John W Stevens Esq  
Chancellor of the Duchy of Lancaster

*TR*



CONFIDENTIAL

*Subject file - Court Machinery  
Future of CSD - March 80*

NOTE OF A MEETING BETWEEN THE PRIME MINISTER AND  
MR. EDWARD DU CANN AT 1445 ON MONDAY, 24 MARCH 1980

Mr. du Cann said that he had sent the Prime Minister his letter of 14 March 1980 about the future of the Civil Service Department because he thought it important that he should have guidance from her on the direction in which he should take his Select Committee.

The Prime Minister said that she was very glad that the Select Committee was turning its attention to the CSD. When she had visited the Department recently she had found that although many of its staff were of high quality, a lot of them seemed to spend much of their time simply shadowing other departments. She was now of the view that it would make sense to put the Pay and Manpower divisions of the CSD into the Treasury. She thought that it would be helpful to have the Select Committee's views on this issue. She would also like to encourage them to look at the possibility of personal rates of pay for the most senior officials and at the proposal that there should be much more grade skipping at higher levels in the Civil Service. Finally, she hoped that the Select Committee would continue to pay close attention to the size of the Civil Service: she felt that far too many civil servants were employed on monitoring the work of other departments and on unnecessary coordination.

Mr. du Cann said that the Prime Minister's steer had been very helpful. There were a number of members of his Committee who would like to ask the Prime Minister to submit a memorandum on the future of the CSD and even to invite her to give oral evidence. He personally was strongly opposed to this for it would be intolerable to put the Prime Minister in this position. The Prime Minister's response to his request for guidance would enable him to head off those of his colleagues who wished to pursue the idea of having evidence from the Prime Minister. He was seeing his Committee later that day and he would tell them that the Prime Minister was considering the future of the CSD and had said that she would find it valuable to have their views at a fairly early date.

/The Prime Minister

CONFIDENTIAL



CONFIDENTIAL

- 2 -

The Prime Minister confirmed that she did not wish to give either written or oral evidence to the Select Committee and that she was content for Mr. du Cann to proceed as he had proposed.

*AWL*

24 March 1980

CONFIDENTIAL



A

SELECT COMMITTEE ON ENERGY  
COMMITTEE OFFICE  
HOUSE OF COMMONS  
LONDON SW1A 0AA

01 - 219 (Direct Line)  
01 - 219 3000 (Switchboard)

24th March 1980

Dear Private Secretary,

Thank you for your letter of 14th March concerning the request from the Select Committee on Energy for a sight of Sir Alan Cottrell's letter to the Prime Minister on pressure vessel integrity.

The Committee have considered this reply and have instructed me to pursue the matter further both with the Prime Minister and Sir Alan. I attach a copy of my further letter to Sir Alan.

The Committee would be grateful, for the reasons set out in my letter to Sir Alan, if, subject of course to Sir Alan's reply, the Prime Minister would reconsider her original response. I have been asked particularly to stress the fact that the Committee would consider sympathetically any request not to give the letter wider publication, despite the fact that its confidentiality has been substantially breached in the Guardian newspaper.

*Yours sincerely,  
David Doig*

D.W.W. Doig  
Clerk to the Committee

The Private Secretary to the Prime Minister,  
10 Downing Street,  
London. SW1.

Enc.



SELECT COMMITTEE ON ENERGY  
COMMITTEE OFFICE  
HOUSE OF COMMONS  
LONDON SW1A 0AA

01-219 (Direct Line)  
01-219 3000 (Switchboard)

24th March 1980

Sir Alan Cottrell, F.R.S.,  
Master's Lodge,  
Jesus College,  
Cambridge.

Dear Sir Alan,

With reference to your letter of 27th February, I have been asked by the Committee to press you a little further on the matter of the letter which you wrote to the Prime Minister on pressure vessel integrity. I have also received a letter on the same subject from the Prime Minister's Private Secretary which you may have seen but of which I enclose a copy just in case.

The Committee feel themselves to be in some difficulty since both you and the Prime Minister appear to be saying that you are each prepared to release the letter only if the other agrees. In view of the fact that the letter has been quite extensively quoted in the Guardian and that the Committee would consider sympathetically any request not to give it wider publication, the Committee feel that their request is a reasonable one.

The Committee would therefore be most grateful if you would reconsider the reply contained in your letter of 27th February, in view of the Prime Minister's desire to "respect (your) wishes (.....) in this matter."

I am copying this letter to the Prime Minister's Private Secretary.

Enc.



11 12 1  
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24 MAR 1960



SW



*Paul*  
2 MARSHAM STREET  
LONDON SW1P 3EB

V  
M

My ref: H/PSO/12231/80

Your ref:

21 March 1980

*Paul*

RELATIONSHIP WITH SELECT COMMITTEES -  
DISCLOSURE OF DOCUMENTS

Thank you for sending me a copy of your letter of 10 March to Norman St John-Stevas.

I agree with your recommendations in this matter. It is very necessary that we should maintain a collective approach to issues of this kind.

I am copying this letter to the recipients of yours.

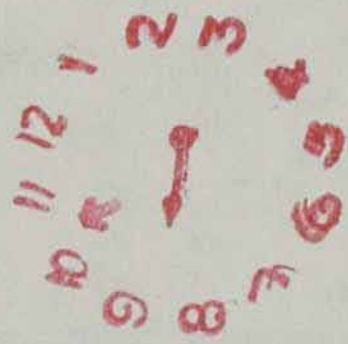
*yes*  
*am*  
*Michael*

MICHAEL HESELTINE

Paul Channon Esq MP



24 MAR 1980







*2 pps behind*

2 MARSHAM STREET  
LONDON SW1P 3EB

*✓MS*

My ref: H/PSO/12138/80

Your ref:

*20* March 1980

*De Paul*

DEPARTMENTAL SELECT COMMITTEES: ADVANCE COPIES OF COMMAND PAPERS

Thank you for sending me a copy of your letter of 6 March to Willie Whitelaw.

I do not think that we should extend the circulation of CFRs of Command Papers so as to make them available to Select Committees. It is significant that in their report the Procedure Committee were not at this point critical of the present arrangements. And I think Select Committees would not be on strong ground in pressing for extended circulation now.

I am copying this letter to the recipients of yours.

*Yes*

*MEI*

MICHAEL HESELTINE



21 MAR 1980







DEPARTMENT OF HEALTH & SOCIAL SECURITY  
Alexander Fleming House, Elephant & Castle, London SE1 6BY  
Telephone 01-407 5522

*From the Secretary of State for Social Services*

Paul Channon Esq MP  
Minister of State  
Civil Service Department  
Old Admiralty Building  
Whitehall  
LONDON SW1

20 March 1980

Dear Paul,

attached.

Thank you for sending me a copy of your letter of 6 March to Willie Whitelaw on the question of whether advance copies (CFR's) on Command Papers should be made available to Select Committees.

I very much go along with what you say and feel that the existing provision for sending CFR's only of those Command papers which form Departmental replies to the relevant Committee's Report is fully defensible. Committees, after all, have a legitimate interest in seeing advance copies of reactions to their own work.

I think you have made an important point in the second paragraph of your letter, but if there is a widespread view among the Select Committees that their work is going to be unduly hindered through not seeing CFR's of other relevant Command Papers, perhaps the suggestion contained in the postscript to your letter, that CFR's should be sent only to Select Committee Chairmen would be the answer.

I am copying this letter to the recipients of yours.

Yours  
Patel

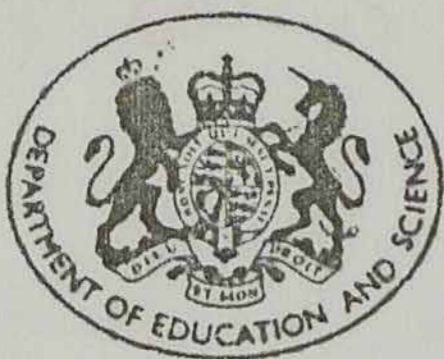




20 MAR 1980

*[Faint, illegible handwriting]*





ELIZABETH HOUSE,  
YORK ROAD,  
LONDON SE1 7PH  
01-928 9222

FROM THE SECRETARY OF STATE

The Rt Hon Norman St John Stevas MP  
Chancellor of the Duchy of Lancaster  
Cabinet Office  
Whitehall  
LONDON SW1

*Parliament*  
*VMS*

19 March 1980

*Dec. Norman*

*pk2.*

I have seen Geoffrey Howe's letter to you of 12 March about the Overseas Development Sub-Committee's examination of overseas students' fees. Since the exchange of letters between the Sub-Committee Clerk and the Treasury, its meeting with Rhodes Boyson and officials from FCO, ODA and DES has taken place. A certain amount of information was asked for, and given, about the possible effect of the decision to introduce full-cost fees on overseas student numbers, on overseas aid programmes and on foreign relations generally. But it was perfectly clear, and the Sub-Committee made no bones about it, that they were chiefly concerned to find out what consideration had taken place, before the decision was reached; and the only possible response to such questions must be to refuse the information.

I think myself that the dividing line between the processes antecedent to a collective decision, and the effects of that decision, is clear enough and scarcely needs discussion. But we certainly need to watch the tendency of Select Committees to overstep this line (and also usually their terms of reference); and there are other issues too, such as the extent to which they can require the disclosure of management documents. I referred to the latter question in my letter of 13 March to Paul Channon; and as I said then, if the intention were to have a general talk in H about all this activity I for one would find that useful.

Copies of this letter go to the recipients of yours.

*Yours ever*

*Mark*

MARK CARLISLE







CONFIDENTIAL



SECRETARY OF STATE  
FOR  
NORTHERN IRELAND

NORTHERN IRELAND OFFICE  
GREAT GEORGE STREET,  
LONDON SW1P 3AJ

VJAJ  
MS

Paul Channon Esq MP  
Civil Service Department  
Whitehall  
London  
SW1A 2AZ

18 March 1980

Dear Minister,

SELECT COMMITTEES - ADVANCE COPIES OF COMMAND PAPERS

Thank you for sending me a copy of your letter of 6 March to Willie Whitelaw together with one of Angus Maude's letter to you of 21 February. I have subsequently read the letter of 7 March from No. 10 recording the Prime Minister's own views.

This is not something on which, from the Northern Ireland point of view, I have strong views since there is no Northern Ireland Select Committee to whom we might be expected to supply, or who might request as a matter of course advance copies of Command Papers.

Nevertheless, the arguments advanced by Angus Maude do seem to me to be particularly strong, and my preference would, therefore, be not to go further than at present in making CFRs available to Select Committees. If this conclusion were generally accepted, I hope we might then be able to avoid having to discuss it further in H Committee.

I am sending copies of this letter to recipients of yours.

Yours sincerely  
*Humphrey Atkins*

H  
HUMPHREY ATKINS  
(Signed on behalf of the  
Secretary of State in his  
absence)

CONFIDENTIAL



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19 MAR 1980





Treasury Chambers, Parliament  
Street, SW1P 3AG

Enclosures from the  
Financial Secretary





*Parliament*

*V  
MS*

Treasury Chambers, Parliament Street, SW1P 3AG

18 March 1980

Paul Channon Esq MP  
Minister of State  
Civil Service Department  
Old Admiralty Building  
Whitehall  
LONDON  
SW1

*John Paul*

RELATIONSHIPS WITH SELECT COMMITTEES: DISCLOSURE OF DOCUMENTS

I have seen Mark Carlisle's letter to you of 13 March, seeking assurance of general agreement to the line your letter of 10 March recommended on the disclosure to Select Committees of documents like the staff inspection reports.

Treasury Ministers do indeed feel that your letter drew a line which we can and must sustain. I expressed this view in my letter of 29 February to Norman St-John Stevas. The Staff Inspection Report constituted officials' advice to Ministers, and should therefore not be released to the Select Committee.

I agree with Peter Walker's view (expressed in his letter to you of 13 March) that draft scrutiny reports - indeed drafts of any kind - will be less suitable for disclosure than specially prepared memoranda. To be able to sustain a consistent line, we will need to stick to a rule that only papers expressing what can be taken to be a collective Ministerial decision should be released. The one exception will be papers expressly seeking public consultation. Even final and edited versions of reports are less likely to represent the flavour of the collective Ministerial view than specially prepared memoranda. The Committees will be quick to exploit any precedents.

I am copying this letter to the recipients of yours.

*John Paul*  
*Nigel Lawson*

NIGEL LAWSON



18 MAR 1980







Parliament  
✓  
MS

CONFIDENTIAL

*From the Secretary of State*

Paul Channon Esq MP  
Minister of State  
Civil Service Department  
Whitehall  
London, SW1A 2AZ

17 March 1980

Dear Paul .

RELATIONSHIPS WITH SELECT COMMITTEES: DISCLOSURE OF DOCUMENTS

Thank you for sending me a copy of your letter of 10 March to Norman St John-Stevas. I am quite content with the approach you recommend to requests from the Committees for copies of internal management documents.

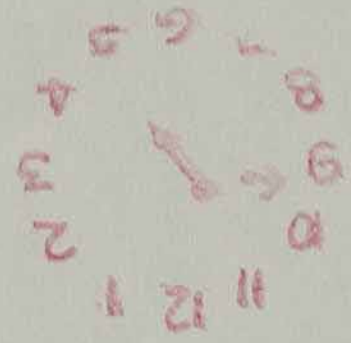
The only such request that I have so far received from the Industry and Trade Committee is for a copy of the Rayner report on export services. I propose to deal with this by giving the Committee copies of the appropriately tailored documents that we intend to release to the Departmental Staff Side, and I think the Committee will be likely to accept this as an adequate response to their request.

I am sending copies of this letter to the other recipients of yours.

Yours ever  
John

JOHN NOTT





17 MAR 1980



FILE

*Parliament*  
VLB

14 March 1980

Thank you for your letter of 3 March, in which you explained that the House of Commons Select Committee on Energy had asked you to see if the Prime Minister would object to providing the Committee with a copy of a letter sent to her by Sir Alan Cottrell.

The Prime Minister receives a great deal of correspondence from private citizens over the whole range of Government activities. She believes that such correspondence should remain confidential unless the person concerned is willing that it should be made public. In the case of Sir Alan Cottrell's letter, he has made it clear that he regards his letter to the Prime Minister and her reply as entirely private, and not a matter for publication. The Prime Minister feels that she must respect the wishes of Sir Alan in this matter.

M A PATTISON

D. W. N. Doig, Esq..

*TDR*



CONFIDENTIAL

*Parliament*  
*J.P.P.*



DEPARTMENT OF INDUSTRY  
ASHDOWN HOUSE  
123 VICTORIA STREET  
LONDON SW1E 6RB

TELEPHONE DIRECT LINE 01-212 3301  
SWITCHBOARD 01-212 7676

Secretary of State for Industry

14 March 1980

*Jan*

The Rt Hon Norman St John-Stevas MP  
Chancellor of the Duchy of Lancaster  
Privy Council Office  
Whitehall SW1

*Mr Norman,*

RELATIONSHIPS WITH SELECT COMMITTEES: DISCLOSURE OF DOCUMENTS

Paul Channon sent me a copy of his letter of 10 March to you setting out his recommendations for handling requests from Select Committees for copies of internal management documents. I am content with the course he proposes and have no reason to think that the Industry and Trade Committee will contest it.

I am sending copies of this letter to Paul Channon and the other recipients of his.

*Jan,*

*Kevin*



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14 MAR 1980





The Rt Hon Paul Channon MP  
Minister of State  
Civil Service Department  
Old Admiralty Building  
Whitehall  
LONDON SW1

SCOTTISH OFFICE  
WHITEHALL, LONDON SW1A 2AU

1. MAP to SA

2. PA

MS

14 March 1980

CONFIDENTIAL

#### RELATIONSHIP WITH SELECT COMMITTEES: DISCLOSURE OF DOCUMENTS

Thank you for the copy of your letter of 10 March to Norman St John-Stevas. I agree with the approach which you recommend.

I should however like to draw attention to a request last month from the Chairman of the Public Accounts Committee to one of my accounting officers to let that Committee have a copy of a report on financial assistance to crofters in the Highlands and Islands. Though similar to a scrutiny carried out under the supervision of Sir Derek Rayner it was not in fact conducted under his auspices. The accounting officer knew that Exchequer and Audit Department had knowledge of the report which is not a staff inspection report nor an internal management document. We intend to show it to the Crofters Commission, the Highlands and Islands Development Board and our Staff Unions but not otherwise to publish it. I see no reason why my accounting officer should not fulfil his undertaking to the PAC, especially because the document is relevant to their continuing interest in crofting matters. I believe however that it would be helpful to Departments to know whether you regard the approach set out in your letter as applying as much to the PAC as to the Select Committees of the new kind.

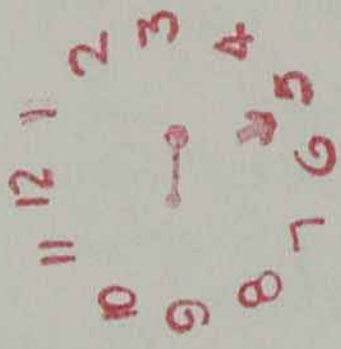
I am copying this letter to the recipients of yours.

Approved by the Secretary of State  
and signed in his absence

J S WILSON  
Private Secretary



17 MAR 1980





**PART** 2 **ends:-**

s/s Def to m/s CSD

**PART** 3 **begins:-**

s/s Swt to m/s CSD



